

AFFIDAVIT OF R [REDACTED] C [REDACTED]

1. My name is R [REDACTED] C [REDACTED]. I am 16 years old and live at [REDACTED] Girard, PA 16417.
2. In 1999-2000 I was a sixth grader at Rice Avenue Middle School, Girard. Gregory Yarbenet was my science teacher, and Leigh Ann S [REDACTED] was in my science class.
3. Mr. Yarbenet was always touching the girls, hugging them and putting his hand on their back. I did not feel comfortable with his hugs or having him touch me. But in sixth grade, it was like there were the popular kids and the not-popular kids, and if you wanted to be in the popular group, you had to hang around Mr. Yarbenet.
4. Mr. Yarbenet had a closet in the back of his classroom. Sometimes he and one girl would go back there alone. If we needed to find him to ask a question, he would be back there alone with somebody, sometimes with the door closed. It didn't occur to us that something bad might be happening.
5. Mr. Yarbenet was always complimenting girls on how they looked. My impression was that he was particularly complimentary when a girl wore low-cut tops or short skirts.
6. In sixth grade the students were excited to be around Mr. Yarbenet. Everyone wanted to get his attention. By the end of the year, we had calmed down. But it seemed like, by the end of the year, Leigh Ann was a distinct favorite of his. He put his hand on her back a lot. He never yelled at her. He let her sit at his desk in his nice chair. He was always calling her back by the computer. If Leigh Ann was running late in the

189a

morning and wasn't in his room before school, he would ask where she was. As soon as she came into the room, everything changed. He would talk to her and give the rest of us less attention, ignore us. Everybody thought she was his favorite.

7. I don't know anyone who thought something bad was happening to Leigh Ann. I think that was partly because we were pretty innocent and also because Leigh Ann was so nice that she didn't become a topic for gossip.

190a

Commonwealth of Pennsylvania)

County of Erie)

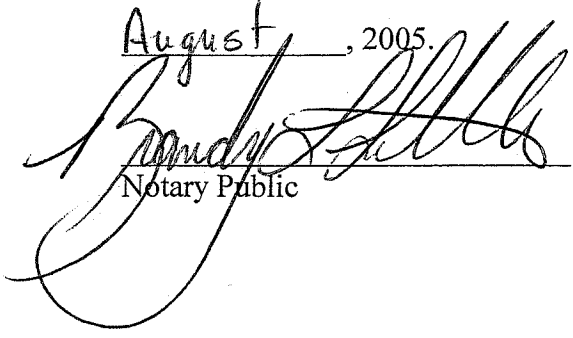
Before me, the undersigned authority, personally appeared R [REDACTED] C [REDACTED], who, being duly sworn according to law, verifies that the statements and averments made in the foregoing Affidavit are true and correct to the best of her knowledge, information and belief.

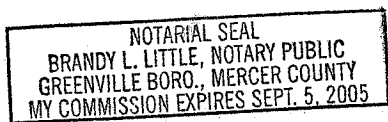
R [REDACTED] C [REDACTED]

Sworn to and subscribed

before me this 10th day of

August, 2005.


Notary Public



191a

Page 1

IN THE MATTER OF: :
 : Termination Hearing
 GREGORY YARBENET :

Hearing in the above-captioned matter held at the Rice Avenue Middle School, 1100 Rice Avenue, Girard Pennsylvania on Tuesday, January 28, 2003, beginning at 7:04 p.m. before the Board of Education of Girard School District.

Board Members:

William Bonnett, President
 Robert Otis, Vice-President
 Kelly Weidler, Treasurer
 Scott Beam
 Gary Faulkner
 Robert Heath
 Charles Miller
 Marilyn Vargulich
 Kathy Need

COPY

Page 3

INDEX

witness:

DIRECT CROSS MR. MILLER

Robert Snyder	14	--	--
Leigh Ann S [REDACTED]	19, 86	68, 88	90
	89	92	

EXHIBITS	DESCRIPTION	ID.	PAGE
B-1	Letter dated 1-14-03 to G. Yarbnet with a listing of charges		7
AX-1	Girard School District Board Policy - Unlawful Harassment		15
AX-2	Notebook with submarked pages 1 through 59		48

Page 2

Appeared on behalf of the Administration of the Girard School District

Richard W. Perhacs, Esquire
 120 West Tenth Street
 Erie, Pennsylvania

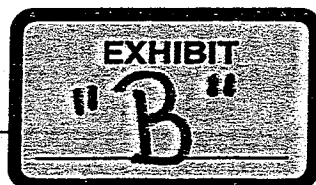
Appeared on behalf of Gregory Yarbnet:

Jonathan Solomon, Esquire
 421 East Moody Avenue
 New Castle, Pennsylvania

Also in attendance:

Dean Maynard, Girard School District Superintendent
 Philip Friedman, Esquire
 Debbie Carter
 Michelle Peterson
 John Shultz
 John S [REDACTED]
 Mary Ellen S [REDACTED]
 Dennis Suscheck

192a



Page 4

1 MR. MILLER: Good evening. I'd like to call this
 2 hearing to order.
 3 My name is Daniel Miller, I'm a partner in the
 4 McClure and Miller law firm and I am here
 5 representing the Board of School Directors of the
 6 Girard School District.
 7 This is a hearing before the Board of School
 8 Directors of Girard School District for the
 9 purpose of hearing -- of a hearing on dismissal
 10 charges which have been made pursuant to Section
 11 1127 of the Public School Code of 1949, as
 12 amended. This section reads as follows: "Before
 13 any professional employee having attained a status
 14 of permanent tenure is dismissed by the board of
 15 school directors, such board of school directors
 16 shall furnish such professional employee with a
 17 detailed written statement of the charges upon
 18 which his or her proposed dismissal is based and
 19 shall conduct a hearing. A written notice signed
 20 by the president and attested to by the secretary
 21 of the board of school directors shall be
 22 forwarded by mail to the professional employee
 23 setting forth the time and place when and where
 24 such professional employee will be given an
 25 opportunity to be heard either in person or by

0000010172

Page 1 - Page 4

Page 5

counsel or both before the board of school directors and setting forth a detailed statement of the charges. Such hearing shall be no sooner than ten days nor no later than fifteen days after such written notice. At such hearing all testimony offered, including that of the complainants and their witnesses, as well as that of the accused professional employee and his or her witnesses, shall be recorded by a competent disinterested public stenographer whose services shall be furnished by the school district at its expense. Any such hearing may be postponed, continued or adjourned."

We have with us tonight Lisa Leopold from the court reporting firm of Hines, Muhanna and Flowers, and she will make the record of our evening hearing.

As solicitor I will advise the board on matters of law and make any necessary rulings on evidence presented at this hearing.

For the benefit of the record I would like to now call the roll for the school district of the school directors and ask that each one present answer here or present.

25 (Roll called; all board members in attendance.)

Page 6

MR. MILLER: All nine members being present we will proceed. Will all those others present identify themselves now for the court stenographer? And I would ask that we perhaps proceed on this side of the house first with Mr. Perhacs, who is counsel for the administration. And would you direct the court reporter as to who is here at your request?

MR. PERHACS: I will. Essentially all the people seated to my right. To my right is Leigh Ann S██████████ spelled L-e-i-g-h A-n-n-e. She's a student at the Girard School District. And I'll let the other folks introduce themselves.

MR. MILLER: All right.

MRS. S██████████: Mary Ellen S██████████, Leigh Ann's mother.

MR. S██████████: John S██████████, Leigh Ann's father.

MS. PETERSON: Michelle Peterson, I'm with the crime victim center.

DR. MAYNARD: Dr. Maynard, the Girard superintendent.

MR. SNYDER: Robert Snyder, principal at Rice Avenue Middle School.

MR. SUSCHEK: Dennis Suschek, uncle of Leigh Ann.

MR. MILLER: Mr. Solomon, would you introduce yourself and take us around that part?

MR. SOLOMON: Yes, yes sir. My name is Jonathan Solomon

Page 7

and I've already given my address to the court reporter. To my left is Philip Friedman, Esquire. And John Shultz of the Federation of Teachers, and Debbie Carter president of the local.

MR. MILLER: And Mr. Yarbenet?

MR. YARBENET: Yes.

MR. SOLOMON: Yes, Mr. Yarbenet. To my right.

MR. MILLER: I will proceed. This hearing will be treated similarly to a court of law and the board of school directors will be acting as both the judge and the jury to consider the facts related to this dismissal hearing. The administration through its counsel Richard Perhacs will act to present the evidence as prosecutor, and Mr. Gregory Yarbenet through his solicitor Jonathan Solomon will be the defendant in this matter.

I have before me marked as School Board Exhibit 1 a letter dated January 14th and addressed to Mr. Yarbenet. The letter was sent by certified mail return receipt requested on January 14th to Mr. Yarbenet. I would like to ask now was that letter received?

MR. SOLOMON: Yes, it is. For the record, the letter was received.

MR. MILLER: One, two, three, four, five, six, seven.

Page 8

If you'd all take one and give one to the court reporter.

Is there any claim of inadequate notice of this hearing?

MR. SOLOMON: None, none.

MR. MILLER: Thank you. The Pennsylvania School Code provides that the hearing will be public unless Mr. Yarbenet requests a private hearing. Mr. Yarbenet chooses that the hearing be held in private. All persons will be excluded except solicitors and members of the assistance -- people offering assistance to them. Is everybody comfortable with the people present?

MR. SOLOMON: Yes, for the respondent, we have no objection to the people who are present at this time.

MR. PERHACS: Yes, for the administration.

MR. MILLER: Thank you. As the accused in this hearing Mr. Yarbenet is entitled to a presumption that he is innocent of the charges until proven guilty by substantial evidence. This is not a criminal action, it is not, therefore -- it is therefore not necessary for the administration to prove Mr. Yarbenet guilty beyond a reasonable doubt. They must, however, prove by substantial evidence that he -- that the charges have been sustained.

193a

0000010173

Page 5 - Page 8

Page 9

1 At the conclusion of the hearing the matter
2 will be closed for this evening and the board will
3 make its decision at its regularly convened
4 meeting on February 24th at 7:30 in this room.

5 At this time I'd like to swear all persons who
6 intend to testify. The fact that you're being
7 sworn does not mean that you have to testify, but
8 it would save us doing it intermittently through
9 the hearing. If all those who intend to testify
10 will stand, I will swear you in.

11 (Oath administered by Mr. Miller.)

12 MR. MILLER: Thank you. Mr. Perhaps, you may proceed.

13 MR. PERHACS: Thank you, Mr. Miller. As you indicated I'm
14 here representing Dr. Maynard and the administration of
15 the Girard School District in a matter involving the
16 proposed termination of a professional employee,
17 Gregory Yarbenet. Mr. Yarbenet has been charged by the
18 board with immorality and persistent and willful
19 violation of the school laws of the Commonwealth
20 pursuant to the appropriate sections of the Public
21 School Code.

22 With respect to the immorality charge the school
23 code and the many, many court cases that have
24 interpreted that portion of the school code have made
25 clear that a professional employee commits the offense

Page 10

1 of immorality and is subject to termination if he
2 indulges or she indulges in inappropriate touching,
3 suggestive communications, or inappropriate romantic
4 interest on his or her part with respect to students of
5 a public school district. The administration believes
6 that all of those things happened in this school
7 district with respect to Ms. S██████████, and that those
8 actions were engaged in by Mr. Yarbenet. You will hear
9 testimony establishing that all of those things
10 occurred on numerous occasions.

11 With respect to the charge of persistent and
12 willful violation of school laws, the school code and
13 the cases interpreting it also make clear that a
14 violation of any properly board approved policy
15 constitutes such an offense, as would violations of
16 child protective statutes and criminal statutes both
17 federal and state. In this case the administration
18 believes that Mr. Yarbenet's conduct in addition to
19 constituting immorality also is a clear violation of
20 the district's policy protecting students from sexual
21 harassment and inappropriate behavior by employees, as
22 well as being violative of a variety of statutes.

23 The student involved in this case is seated to my
24 right. Her name is Leigh Ann S██████████ Leigh Ann is
25 currently an eighth grade student in this building at

Page 11

1 the Rice Avenue Middle School. She came to Girard in
2 the middle of her sixth grade year; she transferred
3 from a Catholic school to Girard. And when she was
4 enrolled in Girard Mr. Yarbenet was assigned as her
5 science teacher.

6 Leigh Ann repeated the sixth grade primarily
7 because of the fact that she was not current with the
8 curriculum that Girard was following in the sixth grade
9 at the time, and although she was not a bad student by
10 any means it was felt that she would benefit by
11 repeating the sixth grade in order to have achieved all
12 the academic objectives that Girard establishes for
13 sixth graders as a condition for moving to seventh
14 grade in succeeding year. When she repeated sixth
15 grade she once again was assigned Mr. Yarbenet as her
16 science teacher.

17 In seventh grade Leigh Ann applied, at Mr.
18 Yarbenet's encouragement, applied for and was selected
19 to serve on a television crew at the Rice Avenue Middle
20 School. That assignment automatically meant that Leigh
21 Ann was assigned to Mr. Yarbenet's homeroom because all
22 of the students who are involved in the TV program are
23 automatically assigned to that homeroom since he
24 oversaw that activity, so although he was not her
25 science teacher in seventh grade he had daily contact

Page 12

1 with her as a homeroom teacher.

2 During her full year in sixth grade and continuing
3 into her seventh grade year until the time Mr. Yarbenet
4 was suspended in an unrelated matter she was the
5 object, repeated object, of highly inappropriate
6 behavior by Mr. Yarbenet. This behavior included
7 physical touching of Ms. S██████████ on numerous
8 occasions, involved touching and rubbing her buttocks,
9 her legs and her inner thighs all the way to the top of
10 her leg in a suggestive manner. This occurred on many,
11 many occasions. Often it occurred in this building on
12 Girard School District property while Mr. Yarbenet was
13 engaged in his duties as a professional employee. It
14 also occurred in a number of locations other than the
15 school district and at times when school was not in
16 session.

17 In addition to the inappropriate touching Mr.
18 Yarbenet was a prolific writer and he's delivered to
19 Ms. S██████████ a total of fifty-seven notes and letters
20 addressing a variety of subjects, as well as numerous
21 cards and photographs. Many of these documents, all of
22 which you will see tonight, contain suggestive and
23 inappropriate remarks, questions, and delve into
24 matters that were highly personal. When you see them
25 it will become apparent to you that both tone and

194a

0000010174

Page 9 - Page 12

3-a

Page 13

1 content were totally inappropriate for a teacher to
2 address to a student, and it will be unlike any
3 communications that you would imagine professional
4 employees of this district routinely make to students.

5 You will also hear testimony about a variety of
6 conversations that Mr. Yarbenet had with Ms. S [REDACTED]
7 about highly inappropriate and personal subjects.

8 Fortunately for Ms. S [REDACTED] Mr. Yarbenet had
9 not developed his relationship with her to the point
10 where more serious physical contact occurred, but the
11 overwhelming inference from the evidence that you will
12 hear is that Mr. Yarbenet was actively pursuing a
13 romantic and physical relationship with a young female
14 student, impressionable student of tender years, who as
15 his student was in a vulnerable position and subject to
16 his attentions and flattery. In doing this he abused
17 his position as a professional employee and his
18 termination is therefore justified.

19 MR. MILLER: Mr. Solomon, do you wish to make any
20 opening remarks? Or you --

21 MR. SOLOMON: No, not at this time.

22 MR. MILLER: -- can defer them until you begin your
23 testimony. Whatever you'd like.

24 MR. SOLOMON: Yes. Yes, we reserve any opening at this
25 time. Thank you.

Page 14

1 MR. MILLER: Rich, you may proceed.

2 MR. PERHACS: My first witness is Robert Snyder.

3 * * * * *

4 ROBERT SNYDER, first being duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. PERHACS:

8 Q. Would you give your full name, please?

9 A. Robert Snyder, S-n-y-d-e-r.

10 Q. You're employed by the district, Bob?

11 A. Yes.

12 Q. And in what capacity?

13 A. The principal of Rice Avenue Middle School.

14 Q. How long have you been principal at Rice Avenue?

15 A. This is my eleventh year.

16 Q. In your capacity as principal were you Mr.
17 Yarbenet's supervisor?

18 A. Yes.

19 Q. Has he been at the Rice Avenue Middle School the
20 whole eleven years that you've been principal here?

21 A. Yes.

22 Q. What grades of students are housed at Rice
23 Avenue?

24 A. Grades five through eight.

25 Q. And when students who remain in the system leave

Page 15

1 Rice Avenue where do they go?

2 A. Girard High School.

3 Q. As principal of Rice Avenue Middle School is one
4 of your responsibilities seeing to that professional
5 employees are apprised of various school board policies that
6 might pertain to their behavior?

7 A. Yes.

8 Q. Does the school district have a formally enacted
9 policy relating to harassment of a sexual nature directed at
10 pupils?

11 A. Yes.

12 Q. I'm going to show you a document I've marked
13 AX-1. Can you identify that?

14 A. Yes, that is our school district policy
15 regarding unlawful harassment.

16 MR. PERHACS: I only brought one copy, but it's an
17 official board policy. I'd ask the board to take
18 notice of its own policy documents.

19 MR. MILLER: We'll do that. Could we pause here and
20 just make sure these are marked correctly? Do you
21 have any marking system in mind for your exhibits
22 or if I start one would I --

23 MR. PERHACS: Well, I'll tell you what I have. I marked
24 it AX-1 for administration. The only other exhibits I
25 have are all compiled in a binder and are numbered 1

Page 16

1 through 59 and you can identify them however you like.

2 MR. MILLER: Well, I would like to go back a step and
3 make the first exhibit AX -- or just call it Board
4 1, B-1.

5 MR. PERHACS: Fine.

6 MR. MILLER: And that's the letter of January 14th.

7 MR. PERHACS: Okay.

8 MR. MILLER: And we'll call that B-1. And now we'll
9 admit this as Administration AX-1. Is there any
10 objection to this exhibit?

11 MR. SOLOMON: No objection.

12 MR. MILLER: Then it will be admitted as AX-1.

13 Q. Bob, I note it has adoption date of March 25,
14 2002. Do you see that --

15 A. Yes.

16 Q. -- on the copy? Was this something new on March
17 25, 2002?

18 A. It was not new. The school district policy
19 manual as a whole was revised last spring, but we did have
20 an unlawful sexual harassment policy prior to that as well.

21 Q. The same one?

22 A. Yes.

23 MR. PERHACS: So this document existed prior to March the
24 25, 2002, which I would ask the board to note in its
25 own records as to what its policies were at various

195a

0000010175

Page 13 - Page 16

Page 21

Page 23

1 sort of face toward the board members so that they can
 2 see you. Am I in your way or --
 3 UNIDENTIFIED: That's fine.
 4 MR. PERHACS: Are you sure? Why don't you slide down one.
 5 Easier that way. That's better, okay.
 6 Q. Okay, how old are you, Leigh Ann?
 7 A. I'm fourteen.
 8 Q. Okay, and when's your birthday?
 9 A. August 16th.
 10 Q. Okay, so you'll be fifteen this August then?
 11 A. Correct.
 12 Q. Okay. And where do you go to school, Leigh Ann?
 13 A. Rice Avenue Middle School.
 14 Q. And that's the building we're in right here;
 15 right?
 16 A. Yes.
 17 Q. Okay. And what grade are you in now?
 18 A. Eighth grade.
 19 Q. Okay. Do you live at home with your mom and
 20 dad?
 21 A. Yes.
 22 Q. Okay. Did you always go to Girard?
 23 A. No.
 24 Q. Where did you go before you came to Girard?
 25 A. Saint John's.

1 A. Yes.
 2 Q. And now you're in eighth grade?
 3 A. Yes.
 4 Q. When you started sixth grade in Girard after you
 5 transferred from Saint John's who was your science teacher?
 6 A. Mr. Yarbenet.
 7 Q. Mr. Yarbenet. Is that Mr. Yarbenet seated over
 8 there at that table?
 9 A. Yes.
 10 Q. When you had Mr. Yarbenet -- did you have him
 11 again in the second sixth grade when you went the second
 12 time?
 13 A. Yes.
 14 Q. Okay. As a teacher did you like Mr. Yarbenet?
 15 A. Yes.
 16 Q. Was a good teacher?
 17 A. Yes.
 18 Q. Enjoy his class?
 19 A. Mm-hmm.
 20 Q. Now, when you went to seventh grade was he your
 21 science teacher then?
 22 A. No.
 23 Q. Okay. Who was your homeroom teacher in seventh
 24 grade?
 25 A. Mr. Yarbenet.

Page 22

Page 24

1 Q. Saint John's is a Catholic school?
 2 A. Yes.
 3 Q. And where is that?
 4 A. It's in Girard.
 5 Q. Where?
 6 A. In Girard.
 7 Q. In Girard, okay. What grade were you in when
 8 you transferred to Girard?
 9 A. Sixth grade.
 10 Q. Okay, did you transfer at the beginning of the
 11 year or at some other time?
 12 A. Some other time. In the middle of the year.
 13 Q. In the middle of the year? Like the end of
 14 first semester type?
 15 A. Around the second semester.
 16 Q. Okay. Now, after you finished your sixth grade
 17 year here at Girard did you do sixth grade again?
 18 A. Yes.
 19 Q. Okay, why was that?
 20 A. Because I wasn't up to the curriculum that was
 21 in Girard School District compared to Saint John's.
 22 Q. Okay. So you repeated sixth grade then?
 23 A. Yes.
 24 Q. And then you went to seventh grade here in
 25 Girard?

1 Q. Mr. Yarbenet, okay. Were you involved in the TV
 2 studio activity here at the middle school in seventh grade?
 3 A. Yes.
 4 Q. And is that pretty much what Mr. Snyder said,
 5 doing the morning announcements, that sort of thing?
 6 A. Yes.
 7 Q. Do all the kids who are on the television crew
 8 get assigned to Mr Yarbenet's homeroom?
 9 A. No.
 10 Q. Pardon?
 11 A. Oh, yes. Yes.
 12 Q. Okay. And he's in charge of that TV activity;
 13 is that right?
 14 A. Yes.
 15 Q. Did you apply to be on the television crew?
 16 A. Yes.
 17 Q. Okay. Do a lot of kids apply?
 18 A. Yes.
 19 Q. Okay, do they all make it?
 20 A. No.
 21 Q. Did Mr. Yarbenet ever encourage you or ask you
 22 to sign up for television?
 23 A. In a way.
 24 Q. In a way?
 25 A. Mm-hmm.

196a

0000010177

Page 25

Page 27

1 Q. In what way? What did he say?
 2 A. He just mentioned that there were -- that you
 3 could fill out an application.
 4 Q. He told you that?
 5 A. Yes.
 6 Q. Okay. Now, his homeroom is in a different place
 7 than the TV studio; right?
 8 A. Yes.
 9 Q. Okay. So how would the morning announcement
 10 program work? Would you go to homeroom first and then to
 11 the studio or the other way around?
 12 A. We just go right to the TV studio and then we go
 13 down to homeroom after the announcements are done.
 14 Q. Okay, so you'd report to the TV studio first?
 15 A. Yes.
 16 Q. And then when that was done you'd go back to
 17 your homeroom with the other kids?
 18 A. Yes.
 19 Q. And the TV broadcast is in the morning, right,
 20 first thing?
 21 A. Yes.
 22 Q. During the first half a year that you were at
 23 Girard in sixth grade, the first part, first half, did
 24 anything unusual or bothersome to you happen between you and
 25 Mr. Yarbenet that year?

Page 26

1 A. No.
 2 Q. Did you get along well with him?
 3 A. Yes.
 4 Q. Did you like him?
 5 A. Yeah.
 6 Q. During the second year that you were in sixth
 7 grade here at Girard did Mr. Yarbenet start paying more
 8 attention to you?
 9 A. Yes.
 10 Q. Okay, in what ways?
 11 A. He started talking to me more often.
 12 MR. SOLOMON: Excuse me, could the witness speak up a
 13 little bit? I'm having a little trouble --
 14 MR. PERHACS: Yeah, she has a naturally soft voice plus
 15 the situation is difficult. Yeah, just try to keep it
 16 as -- you know, don't shout, but, you know, a little
 17 bit louder.
 18 Q. During the second year you were in sixth grade,
 19 and in seventh grade when you were in the TV activity, did
 20 Mr. Yarbenet ever touch your body in any way that made you
 21 feel uncomfortable?
 22 A. Yes.
 23 Q. Okay. Do you remember the first time that
 24 something like that happened?
 25 A. Not really.

1 Q. Not really?
 2 A. (Witness shook her head.)
 3 Q. Did it happen more than once?
 4 A. Yes.
 5 Q. Where would this happen when it happened most of
 6 the time?
 7 A. Most of the time in the morning before TV
 8 studio.
 9 Q. Before the TV studio?
 10 A. Yes.
 11 Q. Did these times when you were touched by Mr.
 12 Yarbenet become more frequent as you went through sixth
 13 grade and then into seventh grade?
 14 A. Yes.
 15 Q. Was there a time when you were in sixth grade
 16 where you were watching a movie in class and you had to go
 17 up to see Mr. Yarbenet about something?
 18 A. Yes.
 19 Q. Was that one of the times when he touched you?
 20 A. Yes.
 21 Q. Would you tell the board members, please, what
 22 happened?
 23 A. There was a question on the -- on the work sheet
 24 that I didn't understand and I went up to ask him what it
 25 meant. And as he was explaining it he pulled me closer

Page 28

1 toward him and he went up between my thighs.
 2 Q. He touched you between your thighs?
 3 A. Yes.
 4 Q. Were you standing at the time?
 5 A. Yes.
 6 Q. Okay, could you stand up here for a second and
 7 face these folks here?
 8 A. (Witness complied.)
 9 Q. And would you place your hand where he placed
 10 his hand?
 11 A. Right here.
 12 MR. PERHACS: For the record the witness is placing her
 13 hand on the upper portion of her thigh right -- right
 14 below the intersection of the two legs.
 15 Q. Okay, you said he pulled you close to him?
 16 A. Yes.
 17 Q. How close? Was he actually touching you when he
 18 pulled you in?
 19 A. He just came from behind me and he brought his
 20 arm behind me and he pulled me in towards him.
 21 Q. Okay. What did you do when that happened?
 22 A. Nothing.
 23 Q. Nothing? Did you say anything to him?
 24 A. No.
 25 Q. Okay. Now, this was in a classroom, his

197a

Page 29

1 classroom. Right?

2 A. Yes.

3 Q. Were there other students in the classroom?

4 A. Yes.

5 Q. Could they see what he was doing?

6 A. No.

7 Q. Why not?

8 A. Because the way the desk was it was -- it was

9 high so you couldn't see the lower half of your body.

10 Q. And you were behind the desk?

11 A. Yes.

12 Q. And he was behind the desk?

13 A. Yes.

14 Q. Did you ever visit Mr. Yarbenet's home?

15 A. Yes.

16 Q. Was there ever a time when you were at Mr.

17 Yarbenet's home when he touched you?

18 A. Yes.

19 Q. Okay, tell us about that. What were you doing

20 at his house?

21 A. His son S... invited us all over for a little

22 get together.

23 Q. Okay, so you went over there with some friends?

24 A. Yes.

25 Q. Okay, tell us what happened.

Page 30

1 A. I left S... room to go get a drink of water

2 into the kitchen, and Mr. Yarbenet called me into the living

3 room.

4 Q. Was anybody else in there but him?

5 A. No.

6 Q. Okay, was he sitting or standing?

7 A. He was laying on the couch.

8 Q. He was lying on the couch?

9 A. Yes.

10 Q. Can you describe how he was lying on the couch?

11 A. He was lying on his side and his one leg was on

12 the couch and his other leg was up on the headrest part.

13 Q. On the back of the couch?

14 A. Yes.

15 Q. Okay, tell us what happened. He called you in

16 you said?

17 A. Yes.

18 Q. Okay, tell us what happened when you went in.

19 A. He asked if I would sit by him for a little bit

20 so I sat down toward his feet and then moved up a little bit

21 when he moved -- when he told me to move up a little bit

22 more.

23 Q. Told you to move closer to him?

24 A. Yes.

25 Q. Okay, and then what happened?

Page 31

1 A. And then he started -- he started rubbing my

2 hand and then he went in between my thighs.

3 MR. SOLOMON: I'm sorry, I didn't hear the answer.

4 Q. Okay, he rubbed your hand and then he --?

5 A. He rubbed my hand and then he went between my

6 thighs.

7 Q. With his hand?

8 A. Yes.

9 Q. Now, when he was rubbing your thighs with his

10 hand as you were sitting on the couch was his hand in the

11 same place where you just showed these folks it was before?

12 A. Yes.

13 Q. Okay. Did you say or do anything at that time?

14 A. No.

15 Q. Now, when you were in sixth grade for the full

16 year, during that, that school year, that whole school year,

17 how -- how many times would you say that Mr. Yarbenet

18 touched you in some way that bothered you?

19 A. Countless times.

20 Q. Countless?

21 A. (Witness nodded her head.)

22 Q. Would it be more than just three or four or

23 five?

24 A. Yes.

25 Q. Would this happen -- how often would it happen?

Page 32

1 Every day? Every week? Every month?

2 A. Either every day, every other day.

3 Q. Okay, this is in sixth grade?

4 A. Yes.

5 Q. Now, where would this happen when you were in

6 sixth grade?

7 A. Most of the time in his classroom.

8 Q. Was there anybody else there when that happened?

9 A. Sometimes.

10 Q. Would this be -- where would it be so that

11 people -- would people be able to see it?

12 A. Can you restate the question?

13 Q. Yeah. Well, you said he did it sometimes in his

14 classroom and that sometimes there might be other people

15 there. Would there be people looking at you when they were

16 doing -- when he was doing it?

17 A. Nobody could really see.

18 Q. Because of the desk?

19 A. Yes.

20 Q. Now, in addition to rubbing your thighs did he

21 ever touch any other part of your body?

22 A. Yes.

23 Q. What part?

24 A. My butt.

25 Q. Your behind?

198a

0000010179

Page 29 - Page 32

Page 33

1 A. Yes.
 2 Q. Okay. And did that happen a number of times,
 3 too?
 4 A. Yes.
 5 Q. Okay, I want to ask you some questions about
 6 seventh grade when you were in the TV studio. Were there
 7 times in the TV studio where you'd be the first kid there in
 8 the morning?
 9 A. Yes.
 10 Q. Is there a special reason that happen?
 11 A. I would go up and get everything ready.
 12 Q. Did you get to school sooner than the other kids
 13 sometimes?
 14 A. Sometimes.
 15 Q. And how was that? Somebody take you there?
 16 A. My neighbor's Mrs. Werling and she's a teacher
 17 here.
 18 Q. Mrs. Werling?
 19 A. Yes.
 20 Q. Did you get to school early then before it was
 21 open?
 22 A. Yes.
 23 Q. But she let you in?
 24 A. Yes.
 25 Q. And when those times would come where would you

Page 34

1 go? To the studio?
 2 A. No; to Mr. Yarbenet's classroom.
 3 Q. To his classroom, okay. Was he usually there
 4 when you got there?
 5 A. Yes.
 6 Q. When you showed up like that early in the
 7 morning would you be sometimes the only person there?
 8 A. Yes.
 9 Q. On days like that were there times when he
 10 touched you?
 11 A. Yes.
 12 Q. And were they the same types of touches that
 13 you've talked about having happened in sixth grade?
 14 A. Yes.
 15 Q. Okay. Now, during this whole year you're in
 16 seventh grade when you're in the TV studio and this is going
 17 on how many times would you say that happened? Did it
 18 happen a lot or a little?
 19 A. A lot.
 20 Q. A lot. Did Mr. Yarbenet ever hug you, put his
 21 arms around you, all the way around you?
 22 A. Yes.
 23 Q. When he would do that how close would he be to
 24 you?
 25 A. It would be touching totally.

Page 35

1 Q. Actually touching your body --
 2 A. Yes.
 3 Q. -- with his? Would this be hugging from behind
 4 or in the front face to face?
 5 A. In the front face to face.
 6 Q. How many times did that happen?
 7 A. Almost every day.
 8 Q. Almost every day?
 9 A. (Witness nodded her head.)
 10 Q. Does Mr. Yarbenet have some type of flying
 11 machine or a powered parachute?
 12 A. Yes.
 13 MR. SOLOMON: I'm sorry, Mr. Perhaps, I didn't hear the
 14 question.
 15 MR. PERHACS: Oh, does he have a flying machine of some
 16 type or a powered parachute.
 17 Q. Yes?
 18 A. Yes.
 19 Q. Did he show it to you?
 20 A. Yes.
 21 Q. Did he ever land it in the backyard at your
 22 house?
 23 A. Yes.
 24 Q. Did he ever offer to give you a ride in it?
 25 A. Yes.

Page 36

1 Q. Did you ever actually ride in it?
 2 A. Yes.
 3 Q. And how many times did you ride in it?
 4 A. Once.
 5 Q. Would you tell us, Leigh Ann, how the seating is
 6 arranged in the powered parachute, where the people sit?
 7 A. The pilot is down -- down at the bottom because
 8 they use their feet to steer, and then the passenger's above
 9 them straddling them.
 10 Q. So it's kind of like somebody riding a
 11 motorcycle with the driver and somebody sitting behind them,
 12 right behind them?
 13 A. Yes.
 14 Q. With your legs spread apart?
 15 A. Yes.
 16 Q. And I assume Mr. Yarbenet was doing the flying
 17 when you were in it?
 18 A. Yes.
 19 Q. And you were sitting behind him?
 20 A. Yes.
 21 Q. Okay. Did anything happen during this ride that
 22 he gave you in this machine of his that made you
 23 uncomfortable?
 24 A. Yes.
 25 Q. What happened?

199a

0000010180

Page 33 - Page 36

Page 37

Page 39

1 A. He leaned his head back.
 2 Q. His head back?
 3 A. Yes.
 4 Q. How far back?
 5 A. As far as he could go basically.
 6 Q. Did his head touch you?
 7 A. Yes.
 8 Q. What part of your body did it touch?
 9 A. Around my stomach, crotch area.
 10 Q. Your stomach, your abdomen, that area?
 11 A. Yeah.
 12 Q. Was he actually pressing it against you?
 13 A. No, he wasn't pressing it.
 14 Q. He was resting it?
 15 A. Yeah.
 16 Q. Okay. Did you do anything about that?
 17 A. I had brought my legs together a little bit.
 18 Q. Okay. Did that make you feel uncomfortable?
 19 A. Yes.
 20 Q. Do you recall a time when you and Mr. Yarbenet
 21 went swimming in Lake Erie?
 22 A. Yes.
 23 Q. When was that?
 24 A. It was in the summer.
 25 Q. Between sixth and seventh?

Page 38

1 A. Yes.
 2 Q. Where did this happen? Was it someplace you
 3 knew?
 4 A. My grandparents own a cottage.
 5 Q. On the lake?
 6 A. Yes.
 7 Q. Okay. Why was he there?
 8 A. He stopped by.
 9 Q. Just stopped by?
 10 A. Yes.
 11 Q. Okay. Did he -- did he ever visit your home?
 12 A. Yes.
 13 Q. Okay. How many times did he do that?
 14 A. I can't recall.
 15 Q. Was it once in a long while or was it more often
 16 than that?
 17 A. It was kind of often.
 18 Q. Who was there that day at the cottage when you
 19 went swimming? Who all was there?
 20 A. My parents, my grandparents, my sisters, and his
 21 son S■■■■.
 22 Q. And his son S■■■■?
 23 A. Yeah.
 24 Q. Mr. Yarbenet's son. And he showed up at this
 25 gathering?

1 A. Yes.
 2 Q. Okay. And did you all go swimming in the lake?
 3 A. Yes.
 4 Q. Was there a time when you were in the lake
 5 swimming where you and Mr. Yarbenet were separated from the
 6 rest of the people?
 7 A. Yes.
 8 Q. Okay. When that happened how deep would the
 9 water have been where you were?
 10 A. Probably about my neck height.
 11 Q. About your neck?
 12 A. (Witness nodded her head.)
 13 Q. Okay. Did anything unusual or bothersome to you
 14 happen when you were swimming in the lake in the neck-high
 15 water with Mr. Yarbenet?
 16 A. Yes.
 17 Q. Tell us what happened, Leigh Ann.
 18 A. At first he was kind of like he was -- we were
 19 just messing around, like he was tickling me and stuff. And
 20 then -- and while I was swimming then I turned around and I
 21 started to go back and he pulled --
 22 Q. You started to leave?
 23 A. Yes. And he pulled my bikini bottoms out.
 24 Q. Okay, you were wearing a two-piece bathing suit?
 25 A. Yes.

Page 40

1 Q. Okay, and you say he pulled the bottoms out.
 2 Show us with your hands what he did.
 3 A. He went between the material and my body and he
 4 pulled out.
 5 Q. And he pulled it out?
 6 A. Yes.
 7 Q. Okay, what did you do when that happened?
 8 A. I swam away faster.
 9 Q. Did that bother you?
 10 A. Yes.
 11 Q. This touching that you've described in sixth and
 12 seventh grade did that continue -- well, when did it stop?
 13 A. It didn't stop. He --
 14 Q. Mr. Yarbenet was at some point no longer
 15 teaching; right?
 16 A. Yes.
 17 Q. Is that when it stopped?
 18 A. Yes.
 19 MR. PERHACS: For the record I'd like the board to take
 20 notice that I believe from its own records that Mr.
 21 Yarbenet was suspended on I believe it was April 9th of
 22 2002. He was no longer actively engaged in teaching at
 23 that -- on that date. Or 10th maybe, 9th or 10th
 24 maybe.
 25 MR. MILLER: I'm sure this board doesn't know that for

Page 37 - Page 40

0000010121

Page 41

Page 43

1 a fact, but they --

2 MR. PERHACS: Well, I can do that --

3 MR. MILLER: -- we can look it up.

4 MR. PERHACS: I can do that through perhaps Mr. Solomon

5 would stipulate to that, or I can call the

6 superintendent if you'd like.

7 MR. SOLOMON: Yeah, we'll stipulate to that.

8 MR. PERHACS: All right, April 9, 2002.

9 MR. MILLER: Right, all right.

10 Q. Leigh Ann, did Mr. Yarbenet ever tell you that

11 any parts of your body looked good to him?

12 A. Yes.

13 MR. SOLOMON: I'm sorry, Mr. Perhacs, I didn't hear the

14 question.

15 MR. PERHACS: Okay, did he ever tell you that any parts of

16 your body looked good to him. The answer was yes.

17 Q. What parts of your body did he comment on?

18 A. My -- my butt.

19 Q. Your rear, your buttocks?

20 A. Yes.

21 Q. Okay, he told you that -- what did he say about

22 it?

23 A. He just said it looked good.

24 Q. Did he ever comment on your clothing, like the

25 jeans you're wearing now, did he ever comment about that?

Page 42

1 A. There was a pair of jeans I wore and he said it

2 looked like they were spray painted on because they looked

3 tight. He said it looked good.

4 Q. Did he make any comments about any shirts that

5 you wore?

6 A. Yes.

7 Q. What kind of comment?

8 A. V-neck shirts, that they looked --

9 (Off-the-record remark.)

10 Q. What did he say about that?

11 A. He said they looked good.

12 Q. Okay, what about skirts? Did he ever comment on

13 skirts that you wore?

14 A. Yes.

15 Q. What did he say about those?

16 A. He said my behind looked good.

17 Q. In the skirt?

18 A. Yes.

19 MR. SOLOMON: I'm sorry, I didn't hear the answer.

20 MR. PERHACS: Her behind looked good in the skirts.

21 Q. Do you sometimes wear skirts to school?

22 Sometimes?

23 A. Yes.

24 Q. Okay. When you do what length are they?

25 A. Regulation length, a little bit --

1 Q. Regulation length?

2 A. Yeah.

3 Q. What's regulation length?

4 A. Your fingertips have to match the skirt ends,

5 your middle fingertip when you stand up.

6 Q. Oh, okay, is it above the knee, though?

7 A. Yes.

8 Q. Did Mr. Yarbenet ever talk to you about making

9 love? Did he ever talk about that?

10 A. Yes.

11 Q. Is that the phrase he used, making love?

12 A. Yes.

13 Q. What did you understand the phrase making love

14 to mean?

15 A. Sex.

16 Q. Sex. What did he say about it?

17 A. He didn't really say much about it, he just

18 would talk about how he would do it with his deceased wife.

19 Q. He was talking about how he would make love to

20 his deceased wife?

21 A. Yes.

22 Q. When he made those comments about making love to

23 his deceased wife was that at the same time that he was

24 touching you?

25 A. Yes.

Page 44

1 Q. And did he make comments about making love to

2 his deceased wife more than one time?

3 A. Once or twice.

4 Q. Once or twice. Okay. Did Mr. Yarbenet ever

5 talk to you about kissing your boyfriend?

6 A. Yes.

7 Q. Okay. When you were in sixth grade for the

8 whole year and then seventh grade did you have a boyfriend?

9 A. Yes.

10 Q. And who was that young man?

11 A. J. P.

12 Q. J. P. Could you spell the last name?

13 A. P.

14 Q. Okay, is he a classmate of yours?

15 A. Yes.

16 Q. What did Mr. Yarbenet say to you about you

17 kissing your boyfriend?

18 A. He would ask me, like, questions about how long

19 we kissed and stuff.

20 Q. Stuff like that?

21 A. Yes.

22 Q. Did you talk about that quite often?

23 A. Yes.

24 Q. Did he ever tell you that he had talked to

25 J. P. about how J. P. kissed you?

201a

0000010182

Page 45

Page 47

1 A. Yes.
 2 Q. What did he tell you he said?
 3 A. He would tell me that he encouraged him to kiss
 4 me longer.
 5 Q. To kiss you longer?
 6 A. Yes.
 7 Q. Now, these comments about how you should kiss
 8 your boyfriend were they made at the same time that there
 9 was touching going on?
 10 A. Yes.
 11 Q. Did Mr. Yarbenet ever give you any gifts?
 12 A. Yes.
 13 Q. And what sorts of things did he give you?
 14 A. Like souvenirs and stuff.
 15 Q. Did he ever give you a ring?
 16 A. Yes.
 17 Q. Would you describe the ring, please?
 18 A. It was gold colored and it said, "Tease," on it.
 19 Q. It said, "Tease," on it?
 20 A. Yes.
 21 Q. Do you still have the ring?
 22 A. No.
 23 Q. What happened to it?
 24 A. It broke.
 25 Q. Did Mr. Yarbenet ever call you at home?

Page 46

1 A. Yes.
 2 Q. Did he do it during the school year?
 3 A. Yes.
 4 Q. Okay, what about in the summer?
 5 A. Yes.
 6 Q. Was it more frequent at one time or the other?
 7 A. It was more frequent in the summer.
 8 Q. In the summer when you weren't in school?
 9 A. Yes.
 10 Q. Okay, now, when he would call your home did he
 11 call to talk to you or to talk to your parents?
 12 A. To me.
 13 Q. Did he ever ask for your parents or ask to speak
 14 to them?
 15 A. No.
 16 Q. The calls were made to you?
 17 A. Yes.
 18 Q. When you were done talking did you hang up?
 19 A. Yes.
 20 Q. Did Mr. Yarbenet ever send you any written or
 21 typed notes?
 22 A. Yes.
 23 Q. Did he ever mail you postcards?
 24 A. Yes.
 25 Q. Did he ever give you photographs?

1 A. Yes.
 2 Q. Did you save these things?
 3 A. Most of them.
 4 Q. And did you receive these in sixth grade?
 5 A. Sixth and seventh grade.
 6 Q. Sixth and seventh grade both?
 7 A. Yes.
 8 Q. When he would give you notes, or letters or
 9 whatever, how would they get to you from him?
 10 A. He would just give them to me.
 11 Q. Okay. Did you ever find any in your locker?
 12 A. Yes.
 13 Q. Okay. Do you know how they got in your locker?
 14 A. He would either put it through the vent or he
 15 would put it -- he would open my locker and put it in it.
 16 Q. He would open your locker?
 17 A. Yes.
 18 Q. How would he be able to open your locker?
 19 A. He knew my combination.
 20 Q. He knew the combination?
 21 A. Yes.
 22 Q. Did you give him the combination?
 23 A. Yes.
 24 Q. So sometimes you'd open your locker and there
 25 would be a note or a letter from Mr. Yarbenet in the locker?

Page 48

1 A. Yes.
 2 MR. PERHACS: I'd better go up here. I have a multipage
 3 exhibit and I have a copy for each board member. Let
 4 me give Mr. Miller what's marked as the original. The
 5 only difference is that some of the reproductions are
 6 in color, the one I'm handing you, and the rest are
 7 black and white.
 8 MR. MILLER: Some for Mr. Solomon?
 9 MR. PERHACS: Yeah, he'll get one.
 10 MR. MILLER: You would prefer this to be marked AX-2?
 11 MR. PERHACS: Yes, and they're all -- they're subnumbered
 12 for each individual document. Now I'm going to hand
 13 the witness a copy of the same document.
 14 Q. Okay, that book that I've handed you, that blue
 15 notebook, and that would be marked AX-2 in the record, did I
 16 show you this book yesterday?
 17 A. Yes.
 18 Q. Okay, and did I let you take it home and look at
 19 it; and we went through it and looked at all the papers in
 20 it? Right?
 21 A. Yes.
 22 Q. What's in this book?
 23 A. Letters --
 24 Q. Letters and --
 25 A. -- and pictures --

202a

0000010183

Page 45 - Page 48

Page 49

Page 51

1 Q. -- things that he -- okay. Is everything that's
2 in this book something that Mr. Yarbenet sent to you?
3 A. Yes.
4 Q. Are there a couple of pictures that he didn't
5 send?
6 A. Yes.
7 Q. Okay, but we'll get to that. Okay, but
8 everything else that's in there, except for a couple of
9 pictures, are things he sent to you?

10 A. Yes.
11 Q. Okay, Leigh Ann, I'm going to ask you some
12 questions about the papers that are in this book. So if
13 you'll open it up you will see behind the number 1 a note.
14 See that?

15 A. Yes.
16 Q. Is this a note that Mr. Yarbenet sent to you?
17 A. Yes.

18 MR. PERHACS: I'm going to go through a number of these
19 individually, although not all fifty-nine of them. And
20 I would ask the board members to, and I'll pause in my
21 questioning, I'd like the board members to take a
22 moment and read the text of each, each of the
23 documents.

24 Q. Down at the bottom right-hand corner the words
25 L U comma Bobby appear. Do you see that?

Page 50

1 A. Yes.
2 Q. What does L U stand for?
3 A. Love you.
4 Q. Is that an abbreviation that he used?
5 A. Yes.
6 Q. Do you know why he would have written the word
7 Bobby on there?

8 A. It was a nickname that my friend and I gave to
9 him.

10 Q. Okay, what does Bobby stand for?

11 A. Big old bald brother Yarb.

12 Q. Big old bald brother Yarb?

13 A. Yes.

14 Q. Okay, he was aware that that was a nickname --

15 A. Yes.

16 Q. -- that some of the students had given him?

17 A. Yes.

18 Q. Did he write a lot of smiley faces on his notes?

19 A. Yes.

20 Q. Okay. And there's a smiley face here under GHS,
21 isn't there?

22 A. Yes.

23 Q. Okay, if you'll turn the page to number 2. This
24 looks like a poem and it looks like an e-mail and where it
25 says, "To," it says J [REDACTED] angel 14. Who is that?

1 A. That's me.

2 Q. Is that you?

3 A. Yes.

4 Q. Is that your e-mail address?

5 A. Yes.

6 Q. And the J [REDACTED] is a reference to J [REDACTED] P [REDACTED]
7 I assume?

8 A. Yes.

9 Q. Okay. And is this a poem that Mr. Yarbenet sent
10 to you?

11 A. Yes.

12 Q. And this was signed L U Bobby again; right?

13 A. Yes.

14 Q. If you'll turn to number 3, the next page, Leigh
15 Ann, is this a note that you received from Mr. Yarbenet?

16 A. Yes.

17 Q. Now, this spells out J [REDACTED] name. Could you
18 read for us what it says after the A?

19 A. "A is for the grade you will get when you can
20 kiss better."

21 Q. Okay, would you turn to the next page now? Is
22 this another note that you received from Mr. Yarbenet?

23 A. Yes.

24 Q. I'll just pause a moment while the board reads
25 that. There's a J in here, it says, "J is getting jealous."

Page 52

1 Who did you think J meant?

2 A. J [REDACTED]

3 Q. J [REDACTED] And Anna? Is that what you're called
4 sometimes?

5 A. Yes.

6 Q. Okay, but your name is Leigh Ann and you're
7 sometimes called Anna?

8 A. Yes.

9 Q. Mr. Yarbenet call you Anna?

10 A. Yes.

11 Q. Okay, if you'll turn to number 5. Is this a
12 note that Mr. Yarbenet sent you?

13 A. Yes.

14 Q. What is this note? What did you take from this?

15 A. They're test answers.

16 Q. These are answers to test questions?

17 A. Yes.

18 Q. Would that be for a test that you had not yet
19 taken?

20 A. Yes.

21 Q. You recognized it as such?

22 A. Yes.

23 Q. If you'll turn to number 6. Is this a note that
24 Mr. Yarbenet sent?

25 A. Yes.

203a 0000010184

Page 53

- 1 Q. What did you understand this note to be about?
- 2 A. More test answers.
- 3 Q. These are test answers?
- 4 A. Yes.
- 5 Q. And when you took the test was this helpful?
- 6 A. Yes.
- 7 Q. Okay, would you turn the page? Now, on this
- 8 page I want you to look at what's on the left side. I'm
- 9 going to ask you about that. Okay?
- 10 A. Okay.
- 11 Q. What did you understand this note to be about?
- 12 A. More test answers.
- 13 Q. More test answers?
- 14 A. Yes.
- 15 Q. And did you receive this from Mr. Yarbenet?
- 16 A. Yes.
- 17 Q. And again this got to you before the test?
- 18 A. Yes.
- 19 Q. Would you turn the page to number 8? And what
- 20 did you understand this to be about?
- 21 A. More test answers.
- 22 Q. The top part where the symbols for the elements
- 23 are?
- 24 A. Yes.
- 25 Q. Okay. And again you got this from Mr. Yarbenet?

Page 54

- 1 A. Yes.
- 2 Q. Okay, if you'll turn to number 9. Is this a
- 3 note you received from Mr. Yarbenet?
- 4 A. Yes.
- 5 Q. Would you read the second sentence there out
- 6 loud where it says, "Study hall"?
- 7 A. "Study hall, ugh, no one studies. I bet you do.
- 8 Yeah, right. You don't need to if you get all the answers."
- 9 Q. Okay, turn to number 10. And is this a note you
- 10 received from Mr. Yarbenet?
- 11 A. Yes.
- 12 Q. And it says L U Bobby at the bottom?
- 13 A. Yes.
- 14 Q. Okay. Now, in this note, Leigh Ann, there's a
- 15 reference to cowboys. It says, "Went out west to show all
- 16 the cowboys those CBs aren't good enough for you. CB equals
- 17 cowboy." Did Mr. Yarbenet talk to you on occasion about
- 18 cowboys?
- 19 A. Yes.
- 20 Q. Okay, what would he say about them?
- 21 A. It was kind of just a joke. He was going to go
- 22 out and find a cowboy for me.
- 23 Q. Find a cowboy for you?
- 24 A. Yes.
- 25 Q. He said he would do that?

Page 55

- 1 A. Yes.
- 2 Q. Let's turn the page now. Is this a note that
- 3 Mr. Yarbenet sent?
- 4 A. Yes.
- 5 Q. Now, here it says -- I'm looking at the fourth
- 6 line down. It says, "Wake up little Leigh Annie, wake up,"
- 7 and there's a smiley face and it says -- there's an arrow up
- 8 to your name and it says, "With a CB Annie." Okay, what did
- 9 you think the CB meant?
- 10 A. It meant cute butt.
- 11 Q. Cute butt?
- 12 A. Yes.
- 13 Q. That's what you took it to mean?
- 14 A. That's what he said.
- 15 Q. That's what he said?
- 16 A. Yes.
- 17 Q. Oh, did you talk to him about this?
- 18 A. Yes.
- 19 Q. About what it meant?
- 20 A. Yes.
- 21 Q. And he said that?
- 22 A. Yes.
- 23 Q. Okay, let's go to number 12. Now, in the middle
- 24 of the -- is this a note that he sent you?
- 25 A. Yes.

Page 56

- 1 Q. In the middle of the page on number 12 it
- 2 says -- looks like it says, "Dream catcher," c-a-t-h-e-r. Do
- 3 you know what that was referring to?
- 4 A. Catcher.
- 5 Q. Dream catcher?
- 6 A. Yes.
- 7 Q. What's that? Is that a movie or a book or what
- 8 is that?
- 9 A. It's a -- the picture next to it's a -- it's a
- 10 dream catcher.
- 11 Q. What's a dream catcher?
- 12 A. It's an Indian thing; you're supposed to hang it
- 13 over your window.
- 14 Q. Oh, it's an Indian --
- 15 A. Yes.
- 16 Q. -- item of some type? Okay. And you see up
- 17 there where it says, "Yippee yi yay ride 'em cowboy," see
- 18 that?
- 19 A. Yes.
- 20 Q. And underneath that it says you and smiley face?
- 21 A. (Witness nodded her head.)
- 22 Q. You received this note from Mr. Yarbenet?
- 23 A. Yes.
- 24 Q. Okay, let's turn to 13. You see in the middle
- 25 of the page where the sentence starts, "I'll be bringing

204a

0000010185

Page 53 - Page 56

Page 57

1 back some cool rocks"?
 2 A. Mm-hmm.
 3 Q. Okay, read that whole sentence for me.
 4 A. "I'll be bringing back some cool rocks from the
 5 mountains for you, maybe even a good looking cowboy with big
 6 muscles just for you."
 7 Q. Okay, and then there's a picture there with an
 8 arrow; right?
 9 A. Yes.
 10 Q. And you received this from Mr. Yarbenet?
 11 A. Yes.
 12 Q. And it was signed L U Bobby?
 13 A. Yes.
 14 Q. Okay, let's turn to 14. Is this something you
 15 received from Mr. Yarbenet?
 16 A. Yes.
 17 Q. Just the bottom part? Top part's a note you
 18 wrote him?
 19 A. Yes.
 20 Q. Okay. Now, the first line here says, "It was
 21 hard to look and see that frog then see J [REDACTED]" Do you
 22 know what the frog was he was referring to?
 23 A. I had a shirt that had a frog on it that said,
 24 "Kiss me."
 25 Q. It had a frog on the front that said, "Kiss me"?

Page 58

1 A. Yes.
 2 Q. And you wore that to school?
 3 A. Yes.
 4 Q. Okay, at about the time you got this note?
 5 A. Yes.
 6 Q. And the J [REDACTED] is J [REDACTED] P [REDACTED] I take it?
 7 A. Yes.
 8 Q. Okay. Did you stop wearing that shirt for some
 9 reason?
 10 A. Yes.
 11 Q. Why?
 12 A. I didn't like the attention I was getting from
 13 it.
 14 Q. Okay, if you could turn to 15. Is this a typed
 15 note that Mr. Yarbenet sent you?
 16 A. Yes.
 17 Q. Now, in the first line there it says, "Anna,
 18 another great note. Froggie will come alive." What did you
 19 take froggie to mean?
 20 A. The shirt.
 21 Q. Was there any other frog involved in any
 22 discussions you had with Mr. Yarbenet that it could have
 23 been other than that shirt that you know of?
 24 A. No.
 25 Q. Okay, if you'll turn to 16. Is this another

Page 59

1 typed note that you received from Mr. Yarbenet?
 2 A. Yes.
 3 Q. Okay. Now, in this one the first -- in the
 4 first line it says, "Froggie didn't work. You have to try
 5 harder. I think he likes you but most guys twelve or
 6 thirteen years old just don't know how to act around pretty
 7 girls." Again, what did you take the froggie to be a
 8 reference to? What did you feel that was a reference to?
 9 A. The shirt.
 10 Q. The shirt. And again there was no other reason
 11 for a frog to be mentioned that you know of?
 12 A. No.
 13 Q. And who's the he he's talking about? He says,
 14 "I think he likes you but most guys just don't know how to
 15 act" --.
 16 A. J [REDACTED].
 17 Q. That was J [REDACTED]?
 18 A. Yes.
 19 Q. Down -- down a little farther in the letter near
 20 the end is J [REDACTED] name mentioned?
 21 A. Yes.
 22 Q. Read that sentence.
 23 A. "Well, we have to come up with a plan for
 24 J [REDACTED] Okay?"
 25 Q. Okay. Okay, if you'll turn to 17. The

Page 60

1 bottom -- there's really two notes here. The bottom part he
 2 has -- he wrote the word -- this is from Mr. Yarbenet, too,
 3 I take it; right?
 4 A. Yes.
 5 Q. Okay, he wrote the word anniversary with an
 6 exclamation mark. Do you know what anniversary he was
 7 referring to?
 8 A. Yes, J [REDACTED] and I went out for a year.
 9 Q. It was your one-year anniversary with your
 10 boyfriend?
 11 A. Yes.
 12 Q. Okay. And then the note goes on to say, "Did he
 13 do anything special for you like, well," dot dot dot,
 14 "longer?" Do you know what the word longer meant? What did
 15 it mean to you?
 16 A. Did he kiss me longer.
 17 Q. Did he kiss you longer?
 18 A. Yes.
 19 Q. And why do you feel that that's what it meant?
 20 A. Because that's what he always referred to.
 21 Q. Because he talked to you about it?
 22 A. Yes.
 23 Q. Okay. And then he asked you, "Did you do
 24 anything for him?" Correct?
 25 A. Yes.

205a 0000010186

Page 57 - Page 60

Page 61

Page 63

1 Q. Okay. If you'll turn to 18. Is this a card
2 that you received from Mr. Yarbenet?
3 A. Yes.
4 Q. Now, when you got it was it folded up so it was
5 like a card?
6 A. Yes.
7 Q. And now this is how it would look spread out;
8 right?
9 A. Yes.
10 Q. Is the word longer written on the list there on
11 the card?
12 A. Yes.
13 Q. And what did you understand that to mean?
14 A. Did J. [REDACTED] kiss me longer.
15 Q. Okay, with a question mark. Okay, if you'll
16 turn to 19. Is this a note you received from Mr. Yarbenet?
17 A. Yes.
18 Q. And is the word longer on there?
19 A. Yes.
20 Q. Did you take it to mean the same thing?
21 A. Yes.
22 Q. Okay, if you'll turn to 20. Is this a note that
23 you received from Mr. Yarbenet?
24 A. Yes.
25 Q. Did he ever when he was talking to you, did he

1 MR. MILLER: Certainly.
2 Q. Can you go to number 31? Now, the top part of
3 this is this a note you wrote to Mr. Yarbenet?
4 A. Yes.
5 Q. Okay, I'd like you to look if you would about --
6 ohh, about not quite halfway down where it says, "We just
7 talked." You talk about, "Me and J." Do you see that?
8 A. Yes.
9 Q. Okay, that, the J, is J. [REDACTED]?
10 A. Yes.
11 Q. And you were writing him a note about a party
12 you went to with J. [REDACTED]?
13 A. Yes.
14 Q. Okay. What were you telling him there when you
15 were talking about, "We just talked"? "We just talked," and
16 then you said, "I got one of those no big deal ones when we
17 watched the movie." What were you talking about?
18 A. We just talked. We went over to Mr. Yarbenet's
19 house and --
20 Q. This was a party at his house?
21 A. Yes. And when Mr. Yarbenet dropped us all off
22 he dropped me off at my house first and J. [REDACTED] walked me to
23 the back, to my back door.
24 Q. Uh-huh.
25 A. And Mr. Yarbenet asked if anything happened.

Page 62

Page 64

1 ever refer to you as a tease? Is that ever anything he
2 mentioned?
3 A. Yes.
4 Q. Did he mention that more than once?
5 A. Yes.
6 Q. Okay, if you'll turn the page to number 21.
7 You'll see there a copy of the suntan lotion ad, you see the
8 little dog pulling away the bathing suit. Did you receive
9 that note from Mr. Yarbenet?
10 A. Yes.
11 Q. And is that your face superimposed on top of the
12 little girl in the advertisement?
13 A. Yes.
14 Q. Is that your school picture or class picture or
15 something?
16 A. I don't know what picture it is.
17 Q. You don't know where he got that from?
18 A. No.
19 MR. PERHACS: We're getting pretty close to done here,
20 just a couple more things. We're going to skip over
21 some of these other notes. I will ask the board when
22 they deliberate to review the documents that I'm
23 skipping over. I'm sure you'll do that, but in order
24 to move this along a little I'm going to ask just a few
25 more questions about some of the others.

1 Q. He asked you if anything happened?
2 A. Yes.
3 Q. And this was a note telling him about that?
4 A. Yes.
5 Q. Okay, and you're referring to kissing there when
6 you say you got one of those one big deal -- no big deal
7 ones when you're watching the movie?
8 A. Yes.
9 Q. Is that what you're talking about? Okay. And
10 what did he say about it at the bottom? See where it says
11 J?
12 A. "J needs more practice."
13 Q. Meaning J. [REDACTED] needs, needs more practice?
14 A. Yes.
15 Q. Okay, if you'll turn to number 41. Is this a
16 note you got from Mr. Yarbenet?
17 A. Yes.
18 Q. Okay, and did he write on there? When you got
19 the note did it say, "I'll always be yours," on it?
20 A. Yes.
21 Q. And if you'll turn to number 44. And is this a
22 note that he sent you?
23 A. Yes.
24 MR. PERHACS: I'll just ask the board members to read
25 that. And we're almost done with all these papers.

206a

0000010187

Page 61 - Page 64

Page 65

Page 67

1 Q. If you'll go to 59, Leigh Ann, just flip that
2 over. Now, behind 59 are all photographs. Are there a
3 couple photographs in here that Mr. Yarbenet did not give
4 you?

5 A. Yes.

6 Q. Just happened to be copied here. Which ones
7 would those be?

8 MR. SOLOMON: I'm sorry, I didn't hear the question.

9 MR. PERHACS: Which ones would be the ones that are just
10 copied on there that he didn't give her, just happened
11 to be on the page.

12 A. The picture of me and Mr. Yarbenet.

13 Q. On the very first page?

14 A. Yes.

15 Q. Is that the only one?

16 MR. SOLOMON: I'm sorry, I didn't hear the answer.

17 MR. PERHACS: Picture of her and Mr. Yarbenet on the very
18 first page. And I'm indicating it to Mr. Solomon.

19 Q. That one he didn't give you?

20 A. No. And also the picture of me and Mr. Yarbenet
21 and [REDACTED]

22 Q. Right underneath it?

23 A. Yes.

24 Q. In the winter coats?

25 A. Yes.

Page 66

1 Q. Okay. Are those the only ones?

2 A. Yes.

3 Q. All the rest of these he gave you?

4 A. Yes.

5 Q. And if you flip in the back, toward the back,
6 it'll be the very last page, there's a drawing. And is this
7 a drawing that was given to you by Mr. Yarbenet?

8 A. Yes.

9 Q. When Mr. Yarbenet was showing you the attention
10 you've testified to, when he was touching you and calling
11 you and sending you these notes and talking to you about the
12 things that you said he talked with you on, did you ever
13 tell him to stop it, leave you alone, quit, don't bother me?
14 Did you ever say that?

15 A. No.

16 Q. Why not?

17 A. I was scared.

18 Q. Scared?

19 A. Yes.

20 Q. You did not until pretty recently tell any other
21 adults about this, did you?

22 A. No.

23 Q. You didn't tell your parents; you didn't tell
24 anybody at the school until just a little while ago; right?

25 A. Correct.

1 Q. Why didn't you tell other grownups about what
2 had happened?

3 A. Well, before I was scared, I didn't want to go
4 through anything --

5 Q. Like this?

6 A. -- that had to do with anything and --

7 MR. SOLOMON: I'm sorry, I didn't hear the answer.

8 WITNESS: I was too scared to go through --

9 MR. SOLOMON: You said something, though.

10 WITNESS: Yes, I was too scared and I didn't want to go
11 through anything and I didn't -- I didn't think I was
12 very mature enough to be able to handle something.

13 Q. Like this?

14 A. Like this.

15 MR. PERHACS: That's all the direct I have and I'll move
16 the exhibits into evidence.

17 MR. MILLER: Any objection to AX-1 and AX-2?

18 MR. SOLOMON: No.

19 MR. MILLER: Therefore they are admitted.

20 Cross-examination?

21 MR. SOLOMON: Could we have a break at this time?

22 MR. MILLER: Certainly. We'll take ten minutes.

23 (Brief recess.)

24 MR. MILLER: I'd like to call the meeting back to order
25 and reconvene. Mr. Solomon?

Page 68

1 MR. SOLOMON: Yes, thank you, sir.

2 CROSS-EXAMINATION

3 BY MR. SOLOMON:

4 Q. Leigh Ann, my name is Jonathan Solomon and I am
5 representing Mr. Yarbenet at these proceedings; and it's
6 nice to meet you, but I'm sorry under these circumstances.
7 I'm going to have to ask you some questions. Okay?

8 A. Okay.

9 Q. And what Mr. Perhacs said when he started goes
10 for me, too. If you feel uncomfortable or need a break or
11 would like to take a drink of water or a little recess while
12 I'm questioning you, I will not take it amiss if you ask for
13 a time out or anything like that. Do you understand?

14 A. Yes.

15 Q. Okay. And since we're sitting further apart
16 I'll probably be able to hear you better because you'll have
17 to speak loud enough for me to hear. When do you recall was
18 the first person you discussed with what you just testified
19 here tonight?

20 A. Can you restate the question? Sorry.

21 Q. Okay, who'd you talk -- who's the first person
22 you talked to about these things?

23 A. My friends.

24 Q. Okay, your friends. Would you name them?

25 A. G... and --

207a

0000010188

Page 65 - Page 68

Page 77

1 Q. Oh, ceramic, okay.
 2 A. Yes. That's all I can think of.
 3 Q. And you wrote letters and notes to him; is that
 4 correct?
 5 A. Yes.
 6 Q. And most of the -- they aren't included in this
 7 exhibit; is that correct?
 8 A. Yes.
 9 Q. Of course you wouldn't have kept copies I don't
 10 imagine?
 11 A. No.
 12 Q. What kinds of things did you write to Mr.
 13 Yarbenet about?
 14 A. Just casual things, like what I did over the
 15 weekend or about school and stuff like that.
 16 Q. The business with J [REDACTED], did you complain to
 17 Mr. Yarbenet about J [REDACTED] wasn't as physical with you as you
 18 would have liked?
 19 A. No.
 20 Q. Did you complain about him not kissing?
 21 A. I didn't complain about it.
 22 Q. Okay, did you -- did you talk to Mr. Yarbenet
 23 about J [REDACTED] not kissing you?
 24 A. Yeah, we had talked about it.
 25 Q. Did you ask him for advice about getting better

Page 78

1 kisses from J [REDACTED]?
 2 A. No.
 3 Q. No? Now, when you say Mr. Yarbenet touched you
 4 did he ever touch you under your clothing?
 5 A. Besides the bathing suit thing, no.
 6 Q. And did he ever touch you on your genital area?
 7 Do you know what I'm talking about?
 8 A. Yes. No, he didn't.
 9 Q. And the bathing suit incident I thought you said
 10 that he's supposed to have pulled from the back?
 11 A. Yes.
 12 Q. Okay, so he pulled the suit; is that correct?
 13 A. Yes.
 14 Q. Did his hand go inside?
 15 A. Yes, it went like up between --
 16 Q. Okay, so you're saying he pulled from the
 17 bottom?
 18 A. Yes, he went up.
 19 Q. How far up did his hands go?
 20 A. Not far at all.
 21 Q. Did they touch your buttocks?
 22 A. I can't remember.
 23 Q. And was it both hands?
 24 A. I can't remember.
 25 Q. All right. And where were the others? You

Page 79

1 testified that there were other people swimming on that
 2 occasion. Where were they?
 3 A. They were -- they weren't out as deep in the
 4 water.
 5 Q. But they were in the water?
 6 A. Yes.
 7 Q. About how far away?
 8 A. About fifteen feet.
 9 Q. Were all the others in the water that were there
 10 or were some still on the beach?
 11 A. My parents were on the beach.
 12 Q. Everybody else was in the water?
 13 A. Yes.
 14 Q. Was S [REDACTED]?
 15 A. Yes, they were.
 16 Q. He was in the water?
 17 A. Yes.
 18 Q. Now, on the occasions where you said that Mr.
 19 Yarbenet touched the inside of your thigh how -- which hand
 20 did he use?
 21 A. I don't know.
 22 Q. Was it one or two hands?
 23 A. One.
 24 Q. One hand?
 25 A. Most of the time.

Page 80

1 Q. I'm sorry, I didn't hear.
 2 A. Most of the time he just used one hand.
 3 Q. Now, and you're saying that this touching
 4 sometimes occurred while class was in session?
 5 A. Yes.
 6 Q. And all the kids would be there?
 7 A. Yes.
 8 Q. Did he say anything while you were being
 9 touched?
 10 A. No.
 11 Q. And the hugging, how many times did he hug you?
 12 A. Almost every day.
 13 Q. Okay, when would that happen?
 14 A. In the morning.
 15 Q. Okay, was it a greeting hug?
 16 A. Yes.
 17 Q. Uh-huh. And let me ask it this way. Was it a
 18 normal hug, the kind that two people like an adult -- like
 19 you might hug a parent?
 20 A. In a way.
 21 Q. Okay, what was different about it from a hug
 22 that you might get say from your father?
 23 A. It was a teacher, it was --
 24 Q. I mean physically, though.
 25 A. I -- it was -- it was too close.

208a

0000010191

Page 77 - Page 80

2002 - 01434 YARBENET GREGORY J

***** GENERAL INFORMATION *****

Clerk s Filing Date.. 6/03/2002
And Time..... 9:28
Case Type/Action..... 1 1 CRIMINAL COMPLAINT
Docket No. Fin Auth.. CR - 0000095 - 02
OTN..... H4923914
Final issuing Auth... 2480 MACKENDRICK CHRIS ID# 00000
Municipality Code.... 23 GIRARD BORO
Social Security No... 161-38-8578

Primary Address 1.... 4560 N CREEK ROAD
Address 2....
City, State, Zipcode. GIRARD, PA 16417

Alternate Address 1..
Address 2..
City, State, Zipcode. 00000

Date of Birth..... 3/15/1947
Sex..... M (M=Male/F=Female/U=Unknown)
Race..... W WHITE/CAUCASIAN
Operator License No.. 13427204 State..... PA
Affiant 1..... 403 ED PODPORA State Police N
Affiant 2..... PA0251100 GIRARD PD

Date of Arrest..... 4/08/2002
Ag. Complaint Filed. 4/08/2002 365 Day Date 4/08/2003
Prelim. Arrign. Date. 4/08/2002 P/A Time.... 15:35
Date Waived to Court. 5/29/2002
Prelim. Hearing Date. 5/29/2002

District Attorney....
Defndt Atty/Type 1... 181 B FRIEDMAN PHILIP B, ESQ ID# 27554 PRIV
Defndt Atty/Type 2...

Date Bail Set..... 0/00/0000
Bail Code Desc..... TEN PERCENT
Surety.....
Bail Set Amount..... 75,000.00
Committed Date..... 4/08/2002
In Jail / Fugitive... N (Y=In Jail/ N=Not In Jail/ F=Fugitive)
FBI Id Number.....
State Id Number..... 0000000000
Auto Registration.... State.....
Public Comments..... RAMS
407

Reference Number.....
Court Stenographer...

Height..... Weight.....
Eye Color..... Hair Color.....
Physical Features

Office Comments.....

209a

2002 - 01434 YARBENET GREGORY J

Init. Issuing Auth... 00000
Jocket No. Init Auth. - 0000000 -

Pre-Sentence Invest.. B PRE-SENTENCE-COUNTY
Trial Commenced Date. 3/04/2003
Trial Judge..... 97 BOZZA JOHN A ID# 30190
Sentence/ARD Date.... 4/11/2003
Effect. Date of Snt.. 5/08/2001
Superior Court #.....

Filed/Reopened Description	Disposition	Disposition Code
6/03/2002 INITIAL FILING	3/04/2003	D GUILTY PLEA

***** ALIAS OR CO-DEFENDANT INFORMATION *****
Alias or Co-Defendant Name Type Case #

***** CHARGE INFORMATION *****
Date Chrg Cnt Section Sub Grd Desc

6/01/00 A 001 CC3123 A7 F1 IDSI PERSON LESS THAN 16 YRS AGE
Disposition Date..... 4/11/2003
Disposition Description. PLED GUILTY AS CHARGED HDCT
Final Plea..... 101 GUILTY PLEA
Prison..... 501 DIAGNOSTIC CLASSIFICATION CENTER
Fines and Costs..... 522 COSTS-TOTAL AMOUNT ONLY...\$

6/02/00 B 002 CC3123 A7 F1 IDSI PERSON LESS THAN 16 YRS AGE
Disposition Date..... 4/11/2003
Disposition Description. NOLLE PROSSED HDCT
Dismissal..... 201 NOLLE PROSSED

2/01/99 C 003 CC3126 A8 M2 IND ASSLT PERSON LESS 16 YRS AGE
Disposition Date..... 4/11/2003
Disposition Description. PLED GUILTY AS CHARGED HDCT
Final Plea..... 101 GUILTY PLEA
Fines and Costs..... 522 COSTS-TOTAL AMOUNT ONLY...\$
Misc..... 533 OTHER (SPECIFY)

2/01/99 D 004 CC3126 A8 M2 IND ASSLT PERSON LESS 16 YRS AGE
Disposition Date..... 4/11/2003
Disposition Description. NOLLE PROSSED HDCT
Dismissal..... 201 NOLLE PROSSED

2/01/99 E 005 CC3126 A8 M2 IND ASSLT PERSON LESS 16 YRS AGE
Disposition Date..... 4/11/2003
Disposition Description. PLED GUILTY AS CHARGED HDCT
Final Plea..... 101 GUILTY PLEA
Fines and Costs..... 522 COSTS-TOTAL AMOUNT ONLY...\$

2/01/99 F 006 CC3126 A8 M2 IND ASSLT PERSON LESS 16 YRS AGE
Disposition Date..... 4/11/2003
Disposition Description. NOLLE PROSSED HDCT
Dismissal..... 201 NOLLE PROSSED

2/01/99 G 007 CC3126 A8 M2 IND ASSLT PERSON LESS 16 YRS AGE

210a

2002 - 01434 YARBENET GREGORY J

Disposition Date..... 4/11/2003
Disposition Description. PLED GUILTY AS CHARGED
Final Plea..... 101 GUILTY PLEA
Fines and Costs..... 522 COSTS-TOTAL AMOUNT ONLY...\$

HDCT

2/01/99 H 008 CC3126 A8 M2 IND ASSLT PERSON LESS 16 YRS AGE
Disposition Date..... 4/11/2003
Disposition Description. NOLLE PROSSED
Dismissal..... 201 NOLLE PROSSED

HDCT

6/01/99 I 009 CC6301 A1 M1 CORRUPTION OF MINORS
Disposition Date..... 4/11/2003
Disposition Description. PLED GUILTY AS CHARGED
Final Plea..... 101 GUILTY PLEA
Prison..... 501 DIAGNOSTIC CLASSIFICATION CENTER
Fines and Costs..... 522 COSTS-TOTAL AMOUNT ONLY...\$

HDCT

6/01/99 J 010 CC6301 A1 M1 CORRUPTION OF MINORS
Disposition Date..... 4/11/2003
Disposition Description. NOLLE PROSSED
Dismissal..... 201 NOLLE PROSSED

HDCT

6/01/99 K 011 CC6301 A1 M1 CORRUPTION OF MINORS
Disposition Date..... 4/11/2003
Disposition Description. PLED GUILTY AS CHARGED
Final Plea..... 101 GUILTY PLEA
Prison..... 501 DIAGNOSTIC CLASSIFICATION CENTER
Fines and Costs..... 522 COSTS-TOTAL AMOUNT ONLY...\$

HDCT

6/01/99 L 012 CC6301 A1 M1 CORRUPTION OF MINORS
Disposition Date..... 4/11/2003
Disposition Description. NOLLE PROSSED
Dismissal..... 201 NOLLE PROSSED

HDCT

6/01/99 M 013 CC6301 A1 M1 CORRUPTION OF MINORS
Disposition Date..... 4/11/2003
Disposition Description. PLED GUILTY AS CHARGED
Dismissal..... 201 NOLLE PROSSED

HDCT

6/01/99 N 014 CC6301 A1 M1 CORRUPTION OF MINORS
Disposition Date..... 4/11/2003
Disposition Description. NOLLE PROSSED
Final Plea..... 101 GUILTY PLEA
Prison..... 501 DIAGNOSTIC CLASSIFICATION CENTER
Fines and Costs..... 522 COSTS-TOTAL AMOUNT ONLY...\$

HDCT

2/01/99 O 015 CC4304 A F3 ENDANGERING WELFARE OF CHILDREN
Disposition Date..... 4/11/2003
Disposition Description. NOLLE PROSSED
Dismissal..... 201 NOLLE PROSSED

HDCT

12/01/99 P 016 CC4304 A F3 ENDANGERING WELFARE OF CHILDREN
Disposition Date..... 4/11/2003
Disposition Description. NOLLE PROSSED
Dismissal..... 201 NOLLE PROSSED

HDCT

***** DOCKET ENTRY INFORMATION *****

211a

2002 - 01434 YARBENET GREGORY J

Case Type...: CRIMINAL

Case Action...: COMPLAINT

----- FIRST ENTRY -----
4/09/01 BOND OF \$75,000 10% POSTED BY ELIZABETH YARBENET

6/03/02 CRIMINAL COMPLAINT FILE FROM D.J. OFFICE.

7/16/02 WAIVER OF ARRAIGNMENT FILED

7/26/02 INFORMATION FILED

8/21/02 MOTION TO EXTEND TIME IN WHICH TO FILE PRETRIAL MOTIONS FILED BY
ATTORNEY PHILIP FRIEDMAN (COPY)

8/12/02 MOTION TO EXTEND TIME IN WHICH TO FILE PRE-TRIAL MOTIONS FILED BY
ATTORNEY PHILIP FRIEDMAN

8/26/02 ORDER OF COURT DATED 8-22-2002-IT IS ORDERED THAT DEFENDANT'S
MOTION IS HEREBY GRANTED AND THE DEFENDANT SHALL FILE HIS MOTION
FOR DISCOVERY AND OMNIBUS MOTION BY SEPTEMBER 13, 2002. JUDGE JOHN
BOZZA

9/13/02 OMNIBUS PRETRIAL MOTION FILED BY ATTORNEY PHILIP FRIEDMAN

9/16/02 RULE TO SHOW CAUSE DATED: SEPTEMBER 13, 2002
RULE RETURNABLE DATED: OCTOBER 3, 2002 AT 2:30 PM. JUDGE JOHN
BOZZA

10/17/02 TRIAL SUBPOENA FILED AND MAILED BY FIRST CLASS MAIL ON OCTOBER
17, 2002

10/17/02 ORDER DATED 10-10-2002-UPON CONSIDERATION OF MOTION TO SUPPRESS,
IT IS ORDERED THAT THE MOTION IS DENIED. JUDGE JOHN BOZZA (NOTICE
SENT TO DA AND ATTORNEY FRIEDMAN ON 10-18-2002)

10/17/02 APPLICATION FOR CONTINUANCE WITH WAIVER OF PROMPT OR SPEEDY TRIAL
FILED BY ATTORNEY PHILIP FRIEDMAN

10/17/02 ORDER DATED 10-16-2002IT IS ORDERED THAT THE CASE IS CONTINUED
UNTIL THE NEXT TERM OF CRIMINAL COURT. JUDGE JOHN BOZZA

12/13/02 TRIAL SUBPOENA FILED AND MAILED BY FIRST CLASS MAIL ON DECEMBER
13, 2002

12/13/02 JOINT MOTION FOR CONTINUANCE FILED BY ATTORNEY PHILIP FRIEDMAN AND
COMMONWEALTH ATTORNEY DAMON HOPKINS

12/13/02 ORDER DATED 12-12-2002-IT IS ORDERED THAT THE CASE IS CONTINUED
UNTIL THE NEST TERM OF CRIMINAL COURT. JUDGE JOHN BOZZA

2/13/03 TRIAL SUBPOENA FILED AND MAILED BY FIRST CLASS MAIL ON FEBRUARY
13, 2003

3/04/03 DEFENDANT APPEARS IN COURT WITH HIS COUNSEL PHIL FRIEDMAN,ESQ
BEFORE JUDGE ERNEST J. DISANTIS
APPEARANCE SIGNED AND FILED
DEF STATEMENT OF RIGHTS SIGNED AND FILED

212a

2002 - 01434 YARBENET GREGORY J

THE DEF PLED GUILTY AS CHARGED ON CTS. 1,3,5,7,9,11 & 13; CTS.2,4,
6,8,10,12,14,15 & 16 ARE NOLLE PROSSED
SENTENCED IS DEFERRED UNTIL APRIL 4, 2003 AT 1:30 P.M. BEFORE JUDGE
JOHN A. BOZZA
MEGAN'S LAW APPLIES
CT. REPORTER - M. SAWKA

4/11/03 DEFENDANT'S ACKNOWLEDGMENT OF POST-SENTENCING RIGHTS SIGNED AND
FILED. JOHN A. BOZZA, JUDGE
CT. REPORTER - L. LATVA

4/11/03 SENTENCE CT.1: COSTS; 5 YRS TO 10 YRS STATE BUREAU OF CORRECTIONS
TO BE SERVED EFFECTIVE APRIL 10,2003 (EFF DATE OF SENTENCE
INCLUDES A CREDIT OF 2 DAYS FO RTIME SPENT IN THE ECJ) CT 3:
COSTS;MERGES WITH COUNT 1 CT 5: COSTS; 1 YR TO 2 YRS CONSECUTIVE
TO CT 1 CT 7: COST; 1 YR TO 2 YRS CONCURRENT TO CT 5
CT 9:COSTS; 2 YRS TO 5 YRS CONCURRENT TO COUNTS 11 & 13
CT 11: COSTS; 2 YRS TO 5 YRS CONSECUTIVE TO CT 7
CT 13: COSTS; 2 YRS TO 5 YRS CONSECUTIVE TO CT 9
250.00 DNA SAMPLE
RESTITUTION - 3008.00 BOZZA JOHN A

4/11/03 GUIDELINES FILED

4/14/03 FILE TAGGED FOR ELECTRONIC TRANSFER OF AOPC THIRD SHEET

4/17/03 CASH BAIL IN THE AMOUNT OF \$7500.00 CHECK NUMBER 3565 RETURNED
ELIZABETH YARBENET

5/07/03 ORDER DATED 5-6-2003-UPON RECEIPT OF DEFENDANT'S NOTICE OF APPEAL,
IT IS ORDERED THAT DEFENDANT COMPLY WITH RULE 1925 B AND FILE A
CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL WITHIN 14
DAYS OF THIS ORDER. JUDGE JOHN A. BOZZA (NOTICE SENT TO DA AND
ATTORNEY FRIEDMAN ON 5-8-2003)

5/05/03 NOTICE OF APPEAL (ORDER DATED 4-11-2003)PROOF OF SERVICE AND
\$60.00 FILING FEE FILED BY P FRIEDMAN ESQ

5/16/03 PA.R.A.P. 1925 (B) STATEMENT FILED BY ATTORNEY PHILIP FRIEDMAN

6/06/03 TRANSCRIPT OF PROCEEDINGS SUPPRESSION HEARING ON 10-3-2002 BEFORE
THE HONORABLE JOHN BOZZA FILED BY COURT REPORTER ANDREA MUSCARELLA

6/26/03 TRANSCRIPT OF PROCEEDINGS SENTENCING ON 4-11-2003 BEFOR THE
HONORABLE JOHN BOZZA FILED BY COURT REPORTER LINDA LATVA

6/30/03 TRANSCRIPT OF PROCEEDINGS PLEA ON 3-4-2003 BEFORE THE HONORABLE
ERNEST DISANTIS ON 3-4-2003 FILED BY COURT REPORTER MONICA SAWKA

5/21/03 DOCKETED NOTICE OF APPEAL/SUPERIOR COURT # 886 WDA 2003

7/07/03 MEMORANDUM SIGNED AND FILED JUDGE BOZZA

7/18/03 ALL PAPERS SENT TO SUPERIOR COURT

8/19/04 PETITION FOR ALLOWANCE OF APPEAL TO SUPREME COURT NO 886 WDA 2003
FILED ON 8-16-2004

213a

2002 - 01434 YARBENET GREGORY J

 2/10/05 ORDER DATED 2-9-2005-IT IS ORDERED THAT THE DEFENDANT IS SCHEDULED TO COME BEFORE THE COURT ON MARCH 9, 2005 AT 1:30 PM FOR RE-SENTENCING. JUDGE JOHN A. BOZZA (NOTICE SENT TO ADA SAMBROAK AND ATTORNEY FRIEDMAN ON 2-10-2005)

2/10/05 ORDER DATED 2-9-2005-TRANSPORT ORDER. JUDGE JOHN BOZZA

2/14/05 DISPOSITION FOR ALLOWANCE OF APPEAL FILED FROM SUPREME COURT NO 436 WAL 2004 DENIED OB 1-24-2005 PATRICIAL NICOLA CHIEF CLERK SUPREME COURT OF PA

2/14/05 ALL PAPERS RETURNED FROM SUPERIOR COURT SHOWING THE FOLLOWING JUDGMENT OF THE COURT OF COMMON PLEAS OF ERIE COUNTY BE AND THE SAME IS HEREBY JUDGMENT OF SENTENCE VACATED. CASE REMANDED FOR RESENTENCING. JURISDICTION RELINQUISHED

2/15/05 ORDER DATED 2-15-2005-UPON CONSIDERATION OF THE REQUEST OF COUNSEL FOR DEFENDANT THAT THE RE-SENTENCING SCHEDULED FOR MARCH 9 BE RESCHEDULED, IT IS ORDERED THAT A RE-SENTENCING IS NOW SCHEDULED ON MARCH 11, 2005 AT 9:00 AM. JUDGE JOHN A. BOZZA (NOTICE SENT TO DA AND ATTORNEY FRIEDMAN ON 2-16-2005)

3/11/05 DEFENDANT'S ACKNOWLEDGMENT OF POST-SENTENCING RIGHTS SIGNED AND FILED

3/11/05 RE-SENTENCING
 COST; CT 1: STATE BUREAU OF CORRECTIONS 5 YEARS TO 10 YEARS EFFECTIVE 3/11/05 WITH 703 DAYS CREDIT TO BE APPLIED
 CT 3; MERGES WITH CT 1 CT 5: MERGES WITH CT 9 CT 7: MERGES WITH CT 9
 CT 9: STATE BUREAU OF CORRECTIONS 2 YEARS TO 4 YEARS CONSECUTIVE TO CT 1 OF THIS DOCKET
 CT 11: STATE BUREAU OF CORRECTIONS 2 YEARS TO 4 YEARS CONSECUTIVE TO CT 9 OF THIS DOCKET
 CT 13: STATE BUREAU OF CORRECTIONS 2 YEARS TO 4 YEARS CONSECUTIVE TO CT 11 OF THIS DOCKET
 \$250. DNA SAMPLE RESTITUTION \$3008.00
 BOZZA JOHN A

3/11/05 GUIDELINES FILED

3/16/05 FILE TAGGED FOR ELECTRONIC TRANSFER OF AOPC THIRD SHEET

3/16/05 POST-SENTENCING MOTION FILED BY ATTORNEY PHILIP FRIEDMAN

3/18/05 RULE TO SHOW CAUSE DATED: MARCH 18, 2005
 RULE RETURNABLE DATED: MARCH 30, 2005 AT 10:15 AM. JUDGE BOZZA
 - - - - - LAST ENTRY - - - - -

***** COSTS & FINES INFORMATION *****

Case Type...: CRIMINAL
 Case Action: COMPLAINT

Description	Costs/Fines	Pd To Date	Amount Due	In Escrow	Last Pymt
AUTOMATION FEE	5.00	.00	5.00	.00	0/00/0000

214a

2002 - 01434 YARBENET GREGORY J

STACY SHAFFER	3,008.67	315.43	2,693.24	15.33	4/05/2005
COURT FEE	24.90	.00	24.90	.00	0/00/0000
USER FEE	10.00	.00	10.00	.00	0/00/0000
CLERKS FEE	90.00	.00	90.00	.00	0/00/0000
TRANSCRIPTS	55.50	.00	55.50	.00	0/00/0000
TRANSCRIPTS	42.55	.00	42.55	.00	0/00/0000
OFF F.E. ACT158	5.00	.00	5.00	.00	0/00/0000
STATE COST	8.94	.00	8.94	.00	0/00/0000
H.B. 627 COST	7.66	.00	7.66	.00	0/00/0000
CVC COSTS	15.00	15.00	.00	.00	3/31/2005
CCC / VWS COST	25.00	.34	24.66	.00	3/31/2005
DVC COSTS	10.00	.00	10.00	.00	0/00/0000
JCS/ATJ FEE	10.00	.00	10.00	.00	0/00/0000
CONT SER SURG	5.00	.00	5.00	.00	0/00/0000
DNA COSTS ACT14	250.00	.00	250.00	.00	0/00/0000
Cost/Fines Total	3,573.22	330.77	3,242.45	15.33	4/05/2005
Cash Bonds Total	.00	.00	.00	.00	

--- End of Listing ---

215a

I FBI Id #
I SBI Id #
I UTM Id #
I ARREST ID 35-43/03

Dept. GIRARD BOROUGH POLICE DEPARTMENT Mun. Code I UCR I Prosecutor's Case #
01 0830 I Dept Case# 2002-2202-A

Name (F) GREGORY J (L) YARBENET I Phone 814-774-2924

Alias:

Address: 4560 NORTH CREEK RD

City/State/Zip: GIRARD PA16417-

Place of Birth:

DOB: 03/15/1947 Age: 55 Sex: M Race: W Hgt: 71 Wgt: 0 Hair: Eyes: BRN

Complexion: Marital Status: M

Other Descr. Info: Build/Tattoos

Driver's License #: 13427204 PA

Soc Sec #: 161-38-8578

Employer/Schl: GIRARD SCHOOL DISTRICT

Address: 1100 RICE AVE

Phone: 814-774-5604 Occupation: TEACHER

*** Details of Arrest ***

Arrest Dt: 02/26/2003 Time: 11:00 Location: 4560 NORTH CREEK RD

Crime: SEXUAL ASSAULT

Total Crimes: 9 Code: 0830

Statute: CC3126 Warrant/Summons #:

Complainant's Name: (F) JOHN

(L) S [REDACTED]

Address: 599 YALE AVE

City/State/Zip: LAKE CITY

PA16423-

Phone: 814-774-8973

Crime Date: 12/10/2002 Time: 09:17

Location of Crime: #1100 Street Name: RICE

Type: AVE

City: GIRARD BOROUGH Landmark: RAMS SCHOOL

Code: 01

ARREST: 1 (1-With Warrant 2-W/O Warrant 3-On View 4-Summ. 5-Juv. 6-P.R.A.)

Juv. Code: Const. Rights (Y/N) By Whom:

How Responded

Own: Multiple: N Other: Fingerprinted (Y/N): N

Photographed: N NCIC (Y-Yes N-No W-Wanted X-No Record): Prev Record:

Vehicle Info (O-Owned U-Used) Year: 0 Make: Body Type:

Color: Reg. Number/State: Serial:

*** BAIL HEARING ***

Date: / / Court:

Judge:

Bail: 0

Results: (1-Released on Bail 2-Comm. in Default 3-R.O.R. 4-Comm. W/O Bail)

Place Committed/Detained:

*** Final Disposition ***

Date: / / Court:

Judge:

Disp.: (C-Guilty of Offense Charged/D-Dismissed/L-Lesser Offense/A-Acquitted)

T.O.T. Sentence:

*** Juvenile Information ***

Parent/Guardian/Probation-Contacted By:

Date Contacted: / /

Time Contacted:

Released to:

Address:

Phone:

Date: / / Time:

Parent/Guardian Name:

Address/City/State/Zip:

Phone:

Co-defendants:

Comment:

216a

Badge: EJP EDWARD J. PODPORA #403 I Status: 1 I Date: 02/26/2003
Signature:

GIRARD BOROUGH POLICE DEPARTMENT
ORI: PA PA0251100

INC. INVESTIGATION REPORT
1 2002-2202-A

PERSONS INVOLVED: (cont.)

COMPLAINANT Crime 0830
N9900024. MCCLELLAND, GREGG
Type: INDIVIDUAL/PERSON (NOT L.E. OFFICER) Injury: NO INJURY
Age/DOB: 00 / / Race: W Sex: M Ethnic: N Marital: U Resdnc: N
SS#: _____
Height: 0 Weight: 0 Eye: _____ Hair: _____ Build: _____ Compl.: _____
Tattoo: _____ Cloth.: _____
GBM ID number: _____ Date Entered: / / Date Released: / /
Comment: CALLED POLICE REGARDING ABUSE
Home: 1100 RICE AVENUE 814-774-5604
GIRARD PA 16417-
Empl: GIRARD SCHOOL DISTRICT

EVIDENCE INFORMATION:

Tag	Descriptor	Quantity
0024	1 PLASTIC BAG CONTAINING NUMEROUS CARDS, LETTERS&	0
Owner:		
0024B	LETTER WITH PICTURE OF SUN TAN LOTION LOGO WITH	1
Owner:		

SUMMARY:

12/10/2002 18:22 Page 01 Ofc. EJP On the afternoon of 10 December 2002 at 1500 hrs., a Leigh Ann S. [REDACTED] arrived on station with her parents John and Mary Ellen, wishing to speak with this officer. It was learned that Leigh Ann had confided with some friends regarding her being abused by her old Science Teacher Gregory Yarbenet, but had been afraid to tell authorities last April during the police investigation of Gregory Yarbenet. Over the period of time from 10 April 2002 until this date, she had been bothered by not telling the police her problem. On this date, she went to the school nurse, Kathy Berlin and told her of the abuse at the hands of Gregory Yarbenet, and was told by school authorities to contact police.

During the interview this date, it was learned that starting in December of 2000, while the victim was 12 years of age, she was fondled by Gregory Yarbenet in his class room before school started and during class on an almost daily basis until his arrest in April 2002. She also stated that it would occur at his residence while she visited the residence and also at her families cottage along lake Erie. Leigh Ann stated that he would rub the inside of her thighs and would fondle her buttocks in school at his desk in his science room, and in this room when she would get to school early after receiving rides from Mrs Werling a neighbor who taught at the Rice Ave. Middle School. After being let in the school, she would go to her homeroom which was Gregory Yarbenets class, and he would fondle her then. She stated that he would also get her dismissed from studyhall

Rank/Name: EDWARD J. PODPORA #403
Case Status: FURTHER INVESTIGATION

Badge: EJP Page: 4
Disp.: UNDEFINED

217a

2003 - 01291 YARBENET GREGORY J

***** GENERAL INFORMATION *****

Clerk s Filing Date.. 5/12/2003
And Time..... 3:48
Case Type/Action..... 1 1 CRIMINAL COMPLAINT
Docket No. Fin Auth.. CR - 0000046 - 03
OTN..... H6391453
Final issuing Auth... 2480 MACKENDRICK CHRIS ID# 00000
Municipality Code.... 23 GIRARD BORO
Social Security No... 161-38-8578

Primary Address 1.... 4560 N CREEK ROAD
Address 2....
City, State, Zipcode. GIRARD, PA 16417

Alternate Address 1..
Address 2..
City, State, Zipcode. 00000

Date of Birth..... 3/15/1947
Sex..... M (M=Male/F=Female/U=Unknown)
Race..... W WHITE/CAUCASIAN
Operator License No.. 13427204 State..... PA
Affiant 1..... 403 ED PODPORA State Police N
Affiant 2..... PA0251100GIRARD PD

Date of Arrest..... 3/01/2001
Mag. Complaint Filed. 2/26/2003 180 Day Date 8/25/2003
Prelim. Arrign. Date. 2/26/2003 P/A Time.... 11:30
Date Waived to Court. 5/06/2003
Prelim. Hearing Date. 5/06/2003

District Attorney....
Defndt Atty/Type 1... 181 FRIEDMAN PHILIP B, ESQ ID# 27554
Defndt Atty/Type 2...

Date Bail Set..... 0/00/0000
Bail Code Desc..... STRAIGHT
Surety.....
Bail Set Amount..... 20,000.00
Committed Date..... 2/26/2003
In Jail / Fugitive... Y (Y=In Jail/ N=Not In Jail/ F=Fugitive)
FBI Id Number.....
State Id Number..... 0000000000
Auto Registration.... State.....
Public Comments..... RAMS
407

Reference Number.....
Court Stenographer...

Height..... Weight.....
Eye Color..... Hair Color.....
Physical Features

Office Comments.....

218a

2003 - 01291 YARBENET GREGORY J

Init. Issuing Auth... 00000
 Docket No. Init Auth. - 0000000 -

Pre-Sentence Invest..
 Trial Commenced Date. 0/00/0000
 Trial Judge.....
 Sentence/ARD Date.... 6/02/2003
 Effect. Date of Snt.. 0/00/0000
 Superior Court #.....

Filed/Reopened Description	Disposition	Disposition Code
5/12/2003 INITIAL FILING	6/02/2003	D GUILTY PLEA

***** ALIAS OR CO-DEFENDANT INFORMATION *****
 Alias or Co-Defendant Name Type Case #

***** CHARGE INFORMATION *****

Date	Chrg	Cnt	Section	Sub	Grd Desc	
3/01/01 A	000	CC3126	A7	M1	IND ASSLT PERSON LESS 13 YRS AGE	
Disposition Date..... 0/00/0000						
Disposition Description.						WD
3/01/01 B	001	CC6301	A1	M1	CORRUPTION OF MINORS	
Disposition Date..... 0/00/0000						
Disposition Description. PLED GUILTY AS CHARGED						WAV
3/01/01 C	000	CC6301	A1	M1	CORRUPTION OF MINORS	
Disposition Date..... 0/00/0000						
Disposition Description.						WD
3/01/01 D	000	CC6301	A1	M1	CORRUPTION OF MINORS	
Disposition Date..... 0/00/0000						
Disposition Description.						WD
3/01/01 E	002	CC6301	A1	M1	CORRUPTION OF MINORS	
Disposition Date..... 0/00/0000						
Disposition Description. PLED GUILTY AS CHARGED						WAV
3/01/01 F	000	CC4304	A		ENDANGERING WELFARE OF CHILDREN	
Disposition Date..... 0/00/0000						
Disposition Description.						WD
3/01/01 G	003	CC3126	A8	M2	IND ASSLT PERSON LESS 16 YRS AGE	
Disposition Date..... 0/00/0000						
Disposition Description. PLED GUILTY AS CHARGED						WAV
3/01/01 H	000	CC3126	A8	M2	IND ASSLT PERSON LESS 16 YRS AGE	
Disposition Date..... 0/00/0000						
Disposition Description.						WD
3/01/01 I	004	CC3126	A8	M2	IND ASSLT PERSON LESS 16 YRS AGE	
Disposition Date..... 0/00/0000						
Disposition Description. PLED GUILTY AS CHARGED						WAV

219a

***** DOCKET ENTRY INFORMATION *****

2003 - 01291 YARBENET GREGORY J

Case Type...: CRIMINAL

Case Action...: COMPLAINT

----- FIRST ENTRY -----

2/26/03 BOND OF \$20,000 CASH POSTED BY ELIZABETH YARBENET

5/06/03 APPLICATION FOR BAIL PIECE FILED BY ELIZABETH YARBENET;
ORDER: BAIL PIECE SHALL ISSUE JUDGE ERNEST DISANTIS;
BAIL PIECE ISSUED

5/06/03 BAIL PIECE RETURNED SERVED; DEFENDANT IN ECP 5/6/03

5/12/03 CRIMINAL COMPLAINT FILE FROM D.J. OFFICE.

5/16/03 CASH BAIL IN THE AMOUNT OF \$20000.00 CHECK NUMBER 3612 RETURNED
ELIZAETH YARBENET

6/02/03 INFORMATION FILED

6/02/03 DEFENDANT APPEARS IN COURT WITH HIS COUNSEL PHILIP FRIEDMAN, ESQ
BEFORE JUDGE ERNEST J. DISANTIS
APPEARANCE SIGNED AND FILED
DEF STATEMENT OF RIGHTS SIGNED AND FILED
THE DEF PLED GUILTY AS CHARGED
CT. REPORTER - J. SYKES

6/02/03 DEFENDANT'S ACKNOWLEDGMENT OF POST-SENTENCING RIGHTS SIGNED AND
FILED. ERNEST J. DISANTIS, JUDGE
CT. REPORTER - J. SYKES

6/02/03 SENTENCE -
CT.1;COSTS; 6 MONTHS TO 18 MONTHS STATE BUREAU OF CORRECTIONS TO
BE SERVED CONSECUTIVE TO COUNT 13 OF CASE NO. 1434 OF 2003
CT.2;COSTS; 6 MONTHS TO 18 MONTHS CONCURRENT TO COUNT 1
CT.3;COSTS; 3 MONTHS TO 18 MONTHS CONCURRENT TO COUNT 1
CT.4;COSTS; 3 MONTHS TO 18 MONTHS CONCURRENT TO COUNT 1
(1 DAY CREDIT TO BE APPLIED ON THIS CASE FOR TIME SPENT IN THE
ECJ)
DISANTIS ERNEST J JR

6/02/03 GUIDELINES FILED

----- LAST ENTRY -----

***** COSTS & FINES INFORMATION *****

Case Type...: CRIMINAL

Case Action: COMPLAINT

Description	Costs/Fines	Pd To Date	Amount Due	In Escrow	Last Pymt
AUTOMATION FEE	5.00	.00	5.00	.00	0/00/0000
COURT FEE	24.90	.00	24.90	.00	0/00/0000
USER FEE	10.00	.00	10.00	.00	0/00/0000
CLERKS FEE	90.00	.00	90.00	.00	0/00/0000
SCS FEE	47.50	.00	47.50	.00	0/00/0000
OFF F.E. ACT158	5.00	.00	5.00	.00	0/00/0000
STATE COST	8.94	.00	8.94	.00	0/00/0000
H.B. 627 COST	7.66	.00	7.66	.00	0/00/0000
CVC COSTS	15.00	15.00	.00	.00	7/21/2004

2200

2003 - 01291 YARBENET GREGORY J

CCC / VWS COST	25.00	25.00	.00	.00	2/11/2005
DVC COSTS	10.00	.00	10.00	.00	0/00/0000
JCS/ATJ FEE	10.00	.00	10.00	.00	0/00/0000
CONT SER SURG	5.00	.00	5.00	.00	0/00/0000
DNA COSTS ACT14	250.00	.00	250.00	.00	0/00/0000
	-----	-----	-----	-----	-----
Cost/Fines Total	514.00	40.00	474.00	.00	2/11/2005
Cash Bonds Total	.00	.00	.00	.00	

--- End of Listing ---

221a

Case No 2003-01291
(VS) YARBENET GREGORY J

Date
Filed

2/26/2003 BOND OF \$20,000 CASH POSTED BY ELIZABETH YARBENET
003 Image page(s) exist(s) for this entry

5/06/2003 APPLICATION FOR BAIL PIECE FILED BY ELIZABETH YARBENET;
ORDER: BAIL PIECE SHALL ISSUE JUDGE ERNEST DISANTIS;
BAIL PIECE ISSUED
001 Image page(s) exist(s) for this entry

5/06/2003 BAIL PIECE RETURNED SERVED; DEFENDANT IN ECP 5/6/03
001 Image page(s) exist(s) for this entry

5/12/2003 CRIMINAL COMPLAINT FILE FROM D.J. OFFICE.
015 Image page(s) exist(s) for this entry

5/16/2003 CASH BAIL IN THE AMOUNT OF \$20000.00 CHECK NUMBER 3612 RETURNED
ELIZAETH YARBENET

6/02/2003 INFORMATION FILED

6/02/2003 DEFENDANT APPEARS IN COURT WITH HIS COUNSEL PHILIP FRIEDMAN, ESQ
BEFORE JUDGE ERNEST J. DISANTIS
APPEARANCE SIGNED AND FILED
DEF STATEMENT OF RIGHTS SIGNED AND FILED
THE DEF PLED GUILTY AS CHARGED
CT. REPORTER - J. SYKES
003 Image page(s) exist(s) for this entry

6/02/2003 DEFENDANT'S ACKNOWLEDGMENT OF POST-SENTENCING RIGHTS SIGNED AND
FILED. ERNEST J. DISANTIS, JUDGE
CT. REPORTER - J. SYKES
001 Image page(s) exist(s) for this entry

6/02/2003 SENTENCE -
CT.1; COSTS; 6 MONTHS TO 18 MONTHS STATE BUREAU OF CORRECTIONS TO
BE SERVED CONSECUTIVE TO COUNT 13 OF CASE NO. 1434 OF 2003
CT.2; COSTS; 6 MONTHS TO 18 MONTHS CONCURRENT TO COUNT 1
CT.3; COSTS; 3 MONTHS TO 18 MONTHS CONCURRENT TO COUNT 1
CT.4; COSTS; 3 MONTHS TO 18 MONTHS CONCURRENT TO COUNT 1
(1 DAY CREDIT TO BE APPLIED ON THIS CASE FOR TIME SPENT IN THE
ECJ)
DISANTIS ERNEST J JR
005 Image page(s) exist(s) for this entry

6/02/2003 GUIDELINES FILED
005 Image page(s) exist(s) for this entry

--- End of Listing ---

222a

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Richard A. Lanzillo, Esquire
KNOX McLAUGHLIN GORNALL & SENNETT, P.C.
120 West Tenth Street
Erie, PA 16501

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participant:

Edward J. Betza, Esquire
150 East Eighth Street
Erie, PA 16501

s/Edward A. Olds, Esquire